



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 10, 2019

American Oversight  
1030 15th Street NW  
Suite B255  
Washington DC 20005

Re: Public Records Request

Dear American Oversight:

Enclosed are public records responsive to your request for all communications between any of the Florida State government officials listed in Column A and any of the individuals or entities listed in Column B (attached).

Please note that some information is redacted. These redactions are made pursuant to section 97.0585(1)(d), Florida Statutes.

The Department now considers your request fulfilled. It has been a pleasure to be of service to you.

Respectfully,

Office of the General Counsel

Enclosures (as noted above)

Office of the General Counsel

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6536 • 850.245.6127 (Fax) [DOS.MyFlorida.com](http://DOS.MyFlorida.com)

**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Wednesday, January 17, 2018 10:15 AM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** ACUR Election Integrity Bulletin: Supreme Court hears case on Ohio's Voter Maintenance Program, Alabama Voter ID upheld

The Supreme Court hears legal argument over Ohio's program to maintain accurate voter rolls and the Alabama Voter ID law is upheld by a federal court. Read more in the [Election Integrity Bulletin](#). To read past issues, please visit the Voting Integrity Institute [website](#).

## LEAD

### Supreme Court Mulls Ohio's Voter Purge Program, With Future Elections In Balance

The Supreme Court hinted it may allow states more flexibility to remove registered voters from state rolls during a lively argument. A majority of the Court appeared ready to sanction Ohio's voter purge program.

## FEDERAL

### USA Today: Hostility to Census question is overblown

By asking the Census Bureau to provide a question on citizenship, the Trump administration is simply trying to get accurate information on the American population. It's not new; previous Censuses have asked this question. Hostility to this limited reform is overblown, though unfortunately to be expected.

### Judge ends consent decree limiting RNC 'ballot security' activities

After more than three decades, Republicans are free of a federal court consent decree that sharply limited the Republican National Committee's ability to challenge voters' qualifications and target the kind of fraud President Donald Trump has alleged affected the 2016 presidential race.

## STATES

### Alabama: Federal Judge Tosses NAACP Lawsuit Challenging Alabama's Voter ID Law

A federal judge has dismissed a lawsuit challenging the constitutionality of Alabama's voter identification law.

### Iowa: Secretary of State Paul Pate Reminds Iowans of New Voter ID Law

Secretary of State Paul Pate says the time for arguing the politics of a voter ID law are over and its time for Iowans to make sure they're ready for the changes.

### Minnesota: Man admits voter fraud crime

53-year-old Jeffery John Spanier pleaded guilty to registration of an ineligible voter, a felony, and sentenced to four years' probation.

### North Carolina: Durham elections worker pleads guilty to altering vote counts in 2016 primary

A former Durham County elections worker has pleaded guilty to a misdemeanor related to the mishandling of provisional ballot results during the March 2016 primary election.

## REDISTRICTING

### Supreme Court takes up fight over Texas electoral districts

The high court in September put both lower court rulings that had invalidated the Republican-drawn districts on hold. The justices were divided 5-4, with the five conservatives backing the Texas Republicans and the four liberals dissenting, suggesting they could be similarly divided when they eventually rule on the merits of the case.

### North Carolina: Judges Strike Down Congressional Maps

FL-SOS-19-0410-A000001

Federal judges have ruled that North Carolina's congressional district map drawn by legislative Republicans is illegally gerrymandered because of excessive partisanship.

**The American Civil Rights Union**

3213 Duke St., #625

Alexandria, VA 22314

<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Monday, August 14, 2017 4:29 PM EDT

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** ACRU Election Integrity Bulletin - ACRU Asks Supreme Court to Uphold Strong Voter Roll List Maintenance in States

Ohio has the right to remove inactive voters from its rolls after notification, an ACRU brief argues at the Supreme Court. Read about this and more in this week's [ACRU Election Integrity Bulletin](#).

## FEDERAL

### ACRU Asks Supreme Court to Uphold Strong Voter Roll List Maintenance in States

The Sixth Circuit Court of Appeals was wrong to strike down Ohio's voter roll cleanup policy, a brief filed at the U.S. Supreme Court by the American Civil Rights Union argues.

### DOJ Reverses Obama-Era Decision, Supports Ohio Policies to Clean Up Voter Rolls

The U.S. Department of Justice has reversed an Obama-era decision that attempted to curtail the Ohio government's efforts to clean up voting rolls.

### DOJ: Stolen Identification Docs Sold to Illegal Aliens and Used in Voter Fraud

Six people have been charged in Boston federal court for the buying and selling of false identification documents.

### Ghost Voters: 3.5 Million More People Are on U.S. Election Rolls than Are Eligible to Vote

Some 3.5 million more people are registered to vote in the U.S. than are alive among America's adult citizens. Such staggering inaccuracy is an engraved invitation to voter fraud.

### Some Maryland Cities Think It's Okay to Let Illegal Immigrants Vote

College Park, Md. has proposed giving illegal immigrants the right to vote in municipal elections. A recently drafted charter resolution would, if approved, remove U.S. citizenship as a requirement for voting in local elections.

### National Review: Plan for Cleaning Voter Rolls Is Now 'Radical'

The Department of Justice is supporting Ohio in its attempts to keep its voter rolls accurate and up to date. Federal law requires states to do so under the National Voter Registration Act (NVRA). Over at the Washington Post, Sari Horwitz highlights the supposedly "radical change in philosophy from the previous Justice Department."

### Rasmussen: Most Still See Voter Fraud as Serious Problem

A new national telephone and online survey finds that 54% of Likely U.S. Voters say voter fraud is at least a somewhat serious problem in America today, with 27% who say it's a Very Serious problem.

### College Student Gets 100 days in Slammer for Registering Dead Voters for Dems

A Virginia college student was sentenced to 100 days incarceration for submitting fraudulent voter registration forms listing the names of dead people and other faulty information for a political organization connected to the Democratic Party.

## LEGISLATION

### Texas Governor Abbott Signs Bill Tackling Mail-in Ballot Fraud

Gov. Greg Abbott has signed into law a bill that will increase penalties for people who commit election crimes related to mail-in ballots.



## REDISTRICTING

### ACRU Files Brief with the Supreme Court in Partisan Gerrymandering Case

A federal court in Wisconsin, in striking down a state redistricting plan, upset the existing constitutional balance between the federal government and the states, the ACRU argued in a brief submitted in *Gill v. Whitford* on August 4 to the U.S. Supreme Court.

### Dem Redistricting Group Clocks \$10.8 Million in First 6 Months

The National Democratic Redistricting Committee, the group backed by former President Barack Obama and chaired by former Attorney General Eric Holder to make Democrats competitive in redistricting fights, will finish July reporting \$10.8 million.

### North Carolina Redistricting Criteria Call for Partisan Maps, No Consideration of Race

Map makers can use election data to achieve political goals as they redraw North Carolina's legislative districts, but they're forbidden from considering voters' race under criteria approved by the House and Senate committees overseeing the process.

#### The American Civil Rights Union

3213 Duke St., #625

Alexandria, VA 22314

<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

[Unsubscribe](#)

Share this message with a friend



**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, June 05, 2017 12:33 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** ACRU Election Integrity Bulletin - June 5, 2017  
**Attachment(s):** "June 5 2017 ACRU Election Integrity Bulletin.pdf"

## **FEDERAL**

Project Vote Bites the Dust

That huge, sucking sound you're not hearing is a left-wing behemoth slipping down the sewer. Project Vote, where Barack Obama cut his teeth working as a community organizing lawyer in Chicago in 1992, closed its doors on May 31.

Kobach Says He Won't Pre-judge Voter Fraud Panel's Findings

Kansas Secretary of State Kris Kobach, the nation's only state elections chief with prosecutorial powers, said he's not pre-judging what might be happening elsewhere before the presidential commission begins compiling hard data about election fraud.

Daily Caller: 58 Percent of Dems Think Russia Rigged Vote Count to Get Trump Elected

A majority of Democratic voters think Russia literally rigged the vote in the 2016 presidential election — an outlandish conspiracy theory with no evidence to support it.

National Review: Hillary Says Voter Suppression Cost Her the Election

Hillary Clinton has clearly bought into a victimization model of her loss.

## **STATES**

**Florida:** Daytona Beach Woman Investigated for Voter Fraud, Prosecutors Say

State prosecutors believe a Daytona Beach woman registered to vote using a bogus name so she could vote twice in last year's elections.

**Missouri:** Secretary of State Prepares to Implement Voter ID

The next time Missouri voters go to the polls, they'll be asked to show photo identification before casting a ballot as part of a new state law.

**North Carolina:** McCrory Calls for New Voter ID Law

Former Gov. Pat McCrory called for a "clean" new voter ID law and blasted Gov. Roy Cooper in a speech Saturday to the N.C. Republican Party's annual convention.

**Ohio:** Supreme Court Raises Stakes on Ohio Election Integrity Case

A challenge to the state system for purging voter rolls could have far-reaching impact across U.S.

**Virginia:** Report Finds Thousands of Non-citizens on Voter Rolls

Virginia election officials removed thousands of voters from voter rolls between 2011 and May 2017.

**Texas:** Prosecutors Issue First Arrest Warrant in West Dallas Voter Fraud Case

Authorities have issued their first arrest warrant in the Dallas County voter fraud case that roiled the May municipal elections in West Dallas and Grand Prairie, causing 700 suspicious mail-in ballots to be sequestered.

## **REDISTRICTING**

Democrats Pour Millions into a Campaign to Fight GOP Redistricting

Unveiled in January by Eric Holder, President Obama's former attorney general, the PAC will use legal, political and high technology tools to help tilt the playing field back toward Democrats



June 5, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### Project Vote Bites the Dust

That huge, sucking sound you're not hearing is a left-wing behemoth slipping down the sewer. At the risk of Schadenfreude, the cautionary Germanic expression for taking pleasure in someone else's misfortune, Project Vote (PV), where Barack Obama cut his teeth working as a community organizing lawyer in Chicago in 1992, closed its doors on May 31. This is good for America.

<http://www.washingtontimes.com/news/2017/jun/4/project-vote-obama-voting-project-fails/>

### Kobach Says He Won't Pre-judge Voter Fraud Panel's Findings

Kansas Secretary of State Kris Kobach, the nation's only state elections chief with prosecutorial powers, said he's not pre-judging what might be happening elsewhere before the presidential commission begins compiling hard data about election fraud. But he has described the situation in Kansas as a significant problem, citing dozens of non-citizens on voter rolls and nine successful prosecutions.

<http://www.wpxi.com/news/politics/kobach-says-he-wont-prejudge-voter-fraud-panels-findings/524084171>

### Daily Caller: 58 Percent of Dems Think Russia Rigged Vote Count to Get Trump Elected

A majority of Democratic voters think Russia literally rigged the vote in the 2016 presidential election — an outlandish conspiracy theory with no evidence to support it. The latest Economist/YouGov poll found 58 percent of Democrats saying that it is “probably true” or “definitely true” that “Russia tampered with vote tallies in order to get Donald Trump elected President.” That number is up six points from December when 52 percent of Democrats said they thought Russia tampered with vote tallies.

<http://dailycaller.com/2017/05/31/alternate-reality-58-percent-of-dems-think-russia-rigged-vote-count-to-get-trump-elected/>

## National Review: Hillary Says Voter Suppression Cost Her the Election

Hillary Clinton has clearly bought into a victimization model of her loss. She told New York magazine: “I would have won had I not been subjected to the unprecedented attacks by Comey and the Russians, aided and abetted by the suppression of the vote, particularly in Wisconsin. . . . Whoever comes next, this is not going to end. Republicans learned that if you suppress votes you win.”

<http://www.nationalreview.com/article/448098/virginia-voter-fraud-report-noncitizens-voted-illegally>

### STATES

## Florida: Daytona Beach Woman Investigated for Voter Fraud, Prosecutors Say

State prosecutors believe a Daytona Beach woman registered to vote using a bogus name so she could vote twice in last year’s elections. The 74-year-old is accused of using an alias and fraudulently registering to vote and voting under both names.

<http://www.wftv.com/news/local/daytona-beach-woman-investigated-for-voter-fraud-prosecutors-say/528071308>

## Missouri: Secretary of State Prepares to Implement Voter ID

The next time Missouri voters go to the polls, they’ll be asked to show photo identification before casting a ballot as part of a new state law. The voter photo ID law went into effect June 1, and election officials are putting voters on notice. The legislation passed last year and voters in November approved amending the state’s constitution to allow a photo ID requirement.

<http://www.demomissouri.com/2017/06/01/32913/jackson-cass-counties-prepare.html>

## North Carolina: McCrory Calls for New Voter ID Law

Former Gov. Pat McCrory called for a “clean” new voter ID law and blasted Gov. Roy Cooper in a speech Saturday to the N.C. Republican Party’s annual convention.

<http://www.newsobserver.com/news/politics-government/state-politics/article154239819.html>

## Ohio: Supreme Court Raises Stakes on Ohio Election Integrity Case

A challenge to the state system for purging voter rolls could have far-reaching impact across U.S. The Supreme Court agreed to settle a dispute about whether Ohio can clean its voter registration rolls by removing voters who do not show up in multiple elections or respond to requests to verify their addresses. Fifteen states filed a friend-of-the-court brief asking the justices to take the case.

<https://www.lifezette.com/polizette/ohio-election-integrity-case-headed-supreme-court/>

## Virginia: Report Finds Thousands of Non-citizens on Voter Rolls

Virginia election officials removed thousands of voters from voter rolls between 2011 and May 2017. In a report, the Public Interest Legal Foundation said that 5,556 voters were removed because they were non-citizens and that one-third of those removed voted illegally. Hans von Spakovsky, a senior research fellow at The Heritage Foundation and a Policy Board member of the American Civil Rights Union, told The Daily Signal in an email that the findings of the report are alarming.

<http://dailysignal.com/2017/05/30/report-finds-thousands-of-noncitizens-on-voter-rolls-in-virginia/>

## Texas: Prosecutors Issue First Arrest Warrant in West Dallas Voter Fraud Case

Authorities have issued their first arrest warrant in the Dallas County voter fraud case that roiled the May municipal elections in West Dallas and Grand Prairie, causing 700 suspicious mail-in ballots to be sequestered. Miguel Hernandez, 27, of Dallas, is wanted on a charge of illegal voting, a third-degree felony. He is accused of visiting a woman around April 10 and collecting her blank absentee ballot, then filling it out and forging her signature on it before mailing it to the county, according to an arrest warrant affidavit.

<https://www.dallasnews.com/news/elections/2017/06/02/prosecutors-issue-first-arrest-warrant-in-west-dallas-voter-fraud-case>

## REDISTRICTING

## Democrats Pour Millions into a Campaign to Fight GOP Redistricting

Unveiled in January by Eric Holder, President Obama's former attorney general, the PAC will use legal, political and high technology tools to help tilt the playing field back toward Democrats. To that end, the PAC will help Democrats in their efforts to win gubernatorial and state legislative seats so that the party has a say in drawing district lines in 2021, following the 2020 Census. Organizers are also eyeing ballot initiatives in such states as Michigan, Missouri, and Ohio that would require better bipartisan representation in the drawing of electoral maps.

<http://prospect.org/article/maps-kill-competition>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, May 01, 2017 12:33 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** ACRU Election Integrity Bulletin - May 1, 2017  
**Attachment(s):** "May 1 ACRU Election Integrity Bulletin.pdf"

## **FEDERAL**

Career Civil Rights Division DOJ Employees Being 'Encouraged' to Leave

Under Attorney General Jeff Sessions, morale in the Civil Rights Division has cratered, say three sources with knowledge of the inner workings, according to the Daily Beast. "They are totally freaking out," said a former high-ranking DOJ official speaking on condition of anonymity to protect those still working there.

## **STATES**

**Louisiana:** Federal Judge to Decide Whether VRA Requires Minority Judgeship District

In the final day of an ongoing civil case that challenges at-large judicial voting in Terrebonne Parish, both parties rested their cases on April 28 and the judge is expected to make a ruling in August.

**North Carolina:** 508 Ineligible Voters Cast Ballots in 2016, Report Says

An investigation by the N.C. Board of Elections has found that 508 voters who cast ballots last November weren't eligible to vote – and the vast majority of them were felons serving active sentences.

**North Carolina State Board of Elections Audit of 2016 Election**

[https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report\\_2016%20General%20Election/Post-Election\\_Audit\\_Report.pdf](https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report_2016%20General%20Election/Post-Election_Audit_Report.pdf)

**North Carolina:** Two Convicted of Felony Voter Fraud and Sentenced

District Attorney Maureen Krueger announced last Wednesday that two men were found guilty of felony voter fraud in Moore County.

**Rhode Island:** Non-Existent Voters on File

The Providence Journal reports that there are more than 189,000 names on the rolls than there are voters in the state. Some of the names are people who have moved away, while others are voters who have passed away.

**West Virginia:** Editorial Lauds Registration Roll Clean Up

West Virginia county clerks and Secretary of State Mac Warner are cleaning up voter registration rolls, removing 36,635 names from the list of people eligible to vote. By this week, the number was up to about 47,000.

## **REDISTRICTING**

**Wisconsin:** GOP Legislature Calls Redistricting Ruling Dangerous

Attorneys for the Republican-controlled Wisconsin Legislature asked the U.S. Supreme Court on April 24 to uphold GOP-drawn legislative boundaries, saying a ruling that found them to be unconstitutional was "dangerously" wrong.

**Wisconsin:** Republican AGs Get Involved in Redistricting Case

A divided panel of federal judges ruled in November that Wisconsin's map was a partisan gerrymander intended to burden the rights of Democratic voters by entrenching Republicans in power for the next decade. The court ordered lawmakers to redraw the state's legislative boundaries by November. The U.S. Supreme Court has yet to decide whether it will hear the case on appeal. In a brief filed by Texas Republican Attorney General Ken Paxton, 12 states argued the court should get involved. Joining Texas in submitting the brief were the states of Arizona, Arkansas, Indiana, Kansas, Louisiana, Michigan, Missouri, Nevada, Oklahoma, South Carolina and Utah.

**Brief for Wisconsin State Senate – Paul Clement**

<http://www.scotusblog.com/wp-content/uploads/2017/04/16-1161-cert-amicus-wisconsin-senate.pdf>

**Judicial Watch Amicus Brief in Wisconsin Redistricting Case**

<http://electionlawblog.org/wp-content/uploads/Wisconsin-JW-AEF-Amicus-Brief.pdf>

**Wisconsin Institute for Law & Liberty Amicus Brief in Wisconsin Redistricting Case**

<http://www.will-law.org/wp-content/uploads/2017/04/Gill-amicus-as-filed.pdf>

## HIGHLIGHTED LEGISLATION

### **Nebraska:** Gov. Ricketts Vetoes Bill that Would Grant Voting Rights to Newly Released Felons

Gov. Pete Ricketts vetoed a bill last Thursday that would allow convicted felons to vote immediately upon the completion of their prison term or end of parole.

Virus-free. [www.avast.com](http://www.avast.com)





May 1, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### Career Civil Rights Division DOJ Employees Being 'Encouraged' to Leave

Under Attorney General Jeff Sessions, morale in the Civil Rights Division has cratered, say three sources with knowledge of the inner workings, according to the Daily Beast. "They are totally freaking out," said a former high-ranking DOJ official speaking on condition of anonymity to protect those still working there. "They are doing everything they can to keep things going, but everything they do has to run through a front office mired in politics."

<http://www.thedailybeast.com/articles/2017/04/29/the-real-100-days-trump-success.html>

## STATES

### Louisiana: Federal Judge to Decide Whether VRA Requires Minority Judgeship District

In the final day of an ongoing civil case that challenges at-large judicial voting in Terrebonne Parish, both parties rested their cases this evening and the judge is expected to make a ruling in August. In 2014, the Terrebonne Parish chapter of the NAACP filed a lawsuit in the U.S. District Court in Baton Rouge that aims to alter the at-large voting system to a district-based method in an effort to create a minority subdistrict. The proposed system would include five single-member districts for judges, including one with a voter majority of blacks and other minorities.

<http://www.dailycomet.com/news/20170428/judge-to-decide-minority-judgeship-district>

### North Carolina: 508 Ineligible Voters Cast Ballots in 2016, Report Says

An investigation by the N.C. Board of Elections has found that 508 voters who cast ballots last November weren't eligible to vote – and the vast majority of them were felons serving active sentences. The State Board of Elections released the audit report Friday in response to public records requests and a request from members of Congress. The report says that 441 voters appear to have been serving active felony sentences on Election Day – many of them on probation. Convicted felons can vote in North Carolina only after completing their sentences, including any probation and parole. In addition, the investigation found 41 non-citizens who cast ballots, 24 voters who voted twice and two people who falsely voted using the name of a family member who'd recently died.



<http://www.newsobserver.com/news/politics-government/state-politics/article145971264.html#storylink=cpy>

### **North Carolina State Board of Elections Audit of 2016 Election**

[https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report\\_2016%20General%20Election/Post-Election\\_Audit\\_Report.pdf](https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report_2016%20General%20Election/Post-Election_Audit_Report.pdf)

### **North Carolina: Two Convicted of Felony Voter Fraud and Sentenced**

District Attorney Maureen Krueger announced last Wednesday that two men were found guilty of felony voter fraud in Moore County. Edward Charles Green, a 58-year-old Southern Pines resident, was sentenced to a minimum of four months in jail and six months of supervised probation, which will run concurrent to a probation sentence from a previous offense. Dalton Shane Smith, a 22-year-old Cameron resident, was given an active sentence of at least 30 months behind bars. Jennifer Cooper, an administrative assistant for the state Judicial Branch, said Smith's sentence includes time for unrelated charges. The men were indicted by a grand jury in February after the District Attorney's Office conducted an investigation into illegal voting in the 2016 Presidential election. Ryan Wiggs, a 32-year-old Lakeview resident, was also indicted, but his case is still pending.

[https://www.thepilot.com/news/two-convicted-of-felony-voter-fraud/article\\_988c8fe4-2c10-11e7-bb60-bba18edb960f.html](https://www.thepilot.com/news/two-convicted-of-felony-voter-fraud/article_988c8fe4-2c10-11e7-bb60-bba18edb960f.html)

### **Rhode Island: Non-Existent Voters on File**

The Providence Journal reports that there are more than 189,000 names on the rolls than there are voters in the state. Some of the names are people who have moved away, while others are voters who have passed away. Both of those categories can be cut down. First, the state is already associated with the Electronic Registration Information Center, which shares data from 20 states and can catch dual registrations. It also checks with Social Security to clear the names of the deceased. More improvements to making voter rolls accurate are proposed by the Rhode Island Department of State's Elections Task Force, which released a report on April 27.

<http://turnto10.com/politics/ri-tackles-issues-with-non-existent-voters-on-file>

### **West Virginia: Editorial Lauds Registration Roll Clean Up**

Earlier this month, we commended West Virginia county clerks and Secretary of State Mac Warner for cleaning up voter registration rolls. Working together, his office and county officials had removed 36,635 names from the list of people eligible to vote in our state. What a difference a few weeks makes. By this week, the number was up to about 47,000. For years, few — if any — serious efforts were made to ensure voter registration lists in our state did not include the names of dead people, those who had moved or those who, perhaps because they were imprisoned on felony charges, were not eligible to vote. In a few counties, voter registration totals were higher than the number of residents 18 years old or more.

<http://www.journal-news.net/opinion/editorials/2017/04/honest-elections-critical-for-trust/>

## REDISTRICTING

### Wisconsin: GOP Legislature Calls Redistricting Ruling Dangerous

Attorneys for the Republican-controlled Wisconsin Legislature asked the U.S. Supreme Court on April 24 to uphold GOP-drawn legislative boundaries, saying a ruling that found them to be unconstitutional was "dangerously" wrong. The Legislature argued in its filing that the ruling was "profoundly out of step" with decades of lower court decisions rejecting comparable claims of gerrymandering — the practice of drawing boundaries to favor one political party over another. If the ruling is allowed to stand, the Legislature argued, it "would extinguish any last hope for state autonomy in the redistricting process" and make federal lawsuits unavoidable.

<https://www.usnews.com/news/best-states/wisconsin/articles/2017-04-24/gop-legislature-calls-redistricting-ruling-dangerous>

### Wisconsin: Republican AGs Get Involved in Redistricting Case

A divided panel of federal judges ruled in November that Wisconsin's map was a partisan gerrymander intended to burden the rights of Democratic voters by entrenching Republicans in power for the next decade. The court ordered lawmakers to redraw the state's legislative boundaries by November. The U.S. Supreme Court has yet to decide whether it will hear the case on appeal. In a brief filed by Texas Republican Attorney General Ken Paxton, the 12 states argued the court should get involved. "The district court's decision invites openly partisan policy battles in the courtroom," they wrote. "This will expose every state to litigation under a legal standard so indeterminate that any party that loses in the statehouse has a fighting chance of overriding that policy decision in the courthouse." Joining Texas in submitting the brief were the states of Arizona, Arkansas, Indiana, Kansas, Louisiana, Michigan, Missouri, Nevada, Oklahoma, South Carolina and Utah.

<http://www.superiortelegram.com/news/wisconsin/4257051-republican-ags-get-involved-wisconsin-redistricting-case>

### Brief for Wisconsin State Senate – Paul Clement

<http://www.scotusblog.com/wp-content/uploads/2017/04/16-1161-cert-amicus-wisconsin-senate.pdf>

### Judicial Watch Amicus Brief in Wisconsin Redistricting Case

<http://electionlawblog.org/wp-content/uploads/Wisconsin-JW-AEF-Amicus-Brief.pdf>

### Wisconsin Institute for Law & Liberty Amicus Brief in Wisconsin Redistricting Case

<http://www.will-law.org/wp-content/uploads/2017/04/Gill-amicus-as-filed.pdf>

**HIGHLIGHTED LEGISLATION****Nebraska: Gov. Ricketts Vetoes Bill that Would Grant Voting Rights to Newly Released Felons**

Gov. Pete Ricketts vetoed a bill last Thursday that would allow convicted felons to vote immediately upon the completion of their prison term or end of parole. "Despite claims of supporters of the bill, LB 75 does not relate to criminal justice reform," Ricketts said in a news release. "The state's criminal justice reform efforts were adopted by the Legislature in 2015 with the passage of LB 605. Those reforms are currently being implemented and are completely unrelated to felons voting. While the rehabilitation of criminals is an important goal of the criminal justice system, the immediate restoration of voting rights is not the answer. "Nebraskans are kind-hearted and do not wish to permanently punish convicted felons. The distinction, however, between the restoration of rights versus privileges must be noted. While the Legislature may restore certain privileges, such as driving privileges, to convicted felons, the Legislature may not circumvent the Nebraska Constitution to automatically restore a voting right in state law. Any efforts to restore a civil right explicitly revoked in the Nebraska Constitution requires changing the Nebraska Constitution. LB 75 is attempting to create the equivalent of a legislative pardon. This is not permissible under the Constitution."

<http://www.ketv.com/article/gov-ricketts-vetoes-bill-that-would-grant-voting-rights-to-newly-released-felons/9573215>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, May 08, 2017 11:26 AM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** ACRU Election Integrity Bulletin - May 8, 2017  
**Attachment(s):** "May 8 2017 ACRU Election Integrity Bulletin.pdf"

## **FEDERAL**

### **While the Left Ignores Vote Fraud, More Evidence Proves Them Wrong**

"The Heritage Foundation's voter fraud database is growing longer by the day," write Jason Snead and Robert Ordway in The Daily Signal. "This week, we are adding 19 convictions, including cases from Texas, Colorado, and Illinois."

### **23 Voter Fraud Cases from 2016 and Beyond**

Cases of illegal voting and other election law violations continue to surface in the aftermath of the 2016 elections.

### **DOJ: Massachusetts Man Admits to Selling IDs to Illegal Aliens**

A Dominican national living in Springfield pleaded guilty in federal court on Thursday to several charges in connection with his role in trafficking the identities of U.S. citizens from Puerto Rico.

## **STATES**

### **Indiana:** Common Cause, NAACP Sue over Marion County Early Voting

Marion County's single location for early voting provides unequal access to the ballot, argues a federal lawsuit filed last Tuesday by Common Cause and the NAACP.

### **Iowa:** New Voter ID Bill Signed Into Law

Gov. Terry Branstad (R.) signed a voter identification bill into law on Friday.

### **Kansas:** Secretary of State Announces Ninth Voter Fraud Conviction

Kris Kobach announced another voter fraud conviction, this time in the case of a man who he said voted in both Kansas and Texas.

### **Maine:** Here's Your License, Now Get Into that Voting Booth

Democrats are bidding to use the Department of Motor Vehicles (DMV) to cram the voting rolls with people who can't be bothered to take a minute to register.

### **New Hampshire:** Busted Ex-ACORN Employee Fights Voter Reform of Same Day Registration

A former ACORN employee who illegally paid for voter registrations during the 2008 presidential election is now working for a group connected to liberal billionaire George Soros that is actively fighting against a voter fraud prevention bill in New Hampshire.

### **Pennsylvania:** Philly's Felonious Franchise

"In the City of Brotherly Love, you can retain your voter registration no matter what crime you commit," writes ACRU Senior Fellow Robert Knight in The Washington Times. "That's because election officials refuse to take convicted felons off the voter rolls even if they're still serving time in jail. One potential voter is convicted baby murderer Kermit Gosnell."

### **Texas:** Senior Citizens Rattled by Vote Fraud

In the past few weeks, dozens of ballots in bright green envelopes showed up at homes in West Dallas and Grand Prairie. The residents — all of retirement age — were confused. They hadn't requested mail-in ballots for the May 6 municipal elections, but yet, here they were.

### **Virginia:** Hundreds of Noncitizens Were Registered to Vote

At a state elections board meeting in Richmond last week, it was reported that somehow almost 700 noncitizens were on the voting rolls.

## **REDISTRICTING**

### **Ohio AG Rejects Congressional Redistricting Amendment**

Mike DeWine said no to a proposal that would change how Ohio draws its congressional districts.

### **Brief for Republican National Committee in Wisconsin Redistricting Case**

Virus-free. [www.avast.com](http://www.avast.com)



May 8, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### While the Left Ignores Vote Fraud, More Evidence Proves Them Wrong

“The Heritage Foundation’s voter fraud database is growing longer by the day,” write Jason Snead and Robert Ordway in The Daily Signal. “This week, we are adding 19 convictions, including cases from Texas, Colorado, and Illinois. These are just the latest convictions. Yet despite the overwhelming evidence, the left prefers to bury its head in the sand and refuses to acknowledge the reality of Voter fraud. To date, we have documented 773 confirmed criminal convictions in 492 voter fraud cases spanning 44 states.”

<http://dailysignal.com/2017/05/03/left-ignores-voter-fraud-evidence-mounts-prove-wrong/>

### 23 Voter Fraud Cases from 2016 and Beyond

President Donald Trump kept the threat of voter fraud on the front pages both before and after the 2016 Election. Although ballots have long since been counted, cases of illegal voting and other election law violations continue to surface in the aftermath.

<http://www.breitbart.com/texas/2017/05/05/23-voter-fraud-cases-from-2016-and-beyond/>

### DOJ: Massachusetts Man Admits to Selling IDs to Illegal Aliens

A Dominican national living in Springfield pleaded guilty in federal court on Thursday to several charges in connection with his role in trafficking the identities of U.S. citizens from Puerto Rico. According to a release sent to 22News from the Department of Justice, 46-year-old Sandro Tavera Mora admitted to selling identification documents to illegal aliens, who would use the information to assume the identity of U.S. citizens. The Department of Justice says that Mora operated as a document broker in Springfield and was a part of a group of conspirators around the country who solicited customers and sold Social Security cards and Puerto Rican birth certificates for prices ranging from \$400 to \$1,200 per set.

<http://wwlp.com/2017/05/05/doj-springfield-man-admitted-to-selling-identification-documents-to-illegal-aliens/>

**STATES****Indiana: Common Cause, NAACP Sue over Marion County Early Voting**

Marion County's single location for early voting provides unequal access to the ballot, argues a federal lawsuit filed last Tuesday by Common Cause and the NAACP. Plaintiffs allege that Indianapolis' sole early voting precinct is discriminatory and constitutes voter suppression. The suit takes aim at the system in which one of the three unelected members of the Marion County Election Board, most recently Republican Party member Maura Hoff, has vetoed multiple early voting locations in the state's most populous county.

The result has been sometimes-long lines at the sole location for early voting, the Marion County Clerk's office in the Indianapolis City-County Building. The suit requests an injunction and an order that refusal to approve satellite voting locations for early in-person voting violated these constitutional protections.

<http://www.theindianalawyer.com/common-cause-naacp-sue-over-marion-county-early-voting/PARAMS/article/43598>

**Iowa: New Voter ID Bill Signed Into Law**

Iowa Gov. Terry Branstad (R.) signed a voter identification bill into law on Friday. HF 516 requires voters to show identification at the polls beginning in 2019. If an individual cannot afford an identification card or does not have one, a card will be provided free of charge.

The law provides additional submission guidelines for third-party voter registration organizers and establishes requirements for post-election audits and referring illegal votes to local law enforcement. The law also adjusts the absentee voting period to 29 days before an election and creates an electronic poll book to identify felon status.

<http://freebeacon.com/issues/new-voter-id-bill-signed-law-iowa/>

**Kansas: Secretary of State Announces Ninth Voter Fraud Conviction**

Kris Kobach announced another voter fraud conviction, this time in the case of a man who he said voted in both Kansas and Texas. The most recent voter fraud conviction is the ninth Kobach has obtained since he was given the power to prosecute voter fraud, according to a release from his office. "This conviction demonstrates once again how prevalent the crime of double voting is," Kobach said in a statement. "In Kansas, we are making it clear that people who willfully vote twice will be prosecuted."

<http://www.kansascity.com/news/politics-government/article148434369.html>

**Maine: Here's Your License, Now Get Into that Voting Booth**

Having killed a perfectly good photo voter ID bill in late April that was backed by Republican Gov. Paul LePage, Maine's Democrats are bidding to use the Department of Motor Vehicles (DMV) to cram the voting rolls with people who can't be bothered to take a minute to register.



[http://www.americanthinker.com/blog/2017/05/heres\\_your\\_license\\_now\\_get\\_into\\_that\\_voting\\_booth.html#.WQn2GhzEXgE.twitter](http://www.americanthinker.com/blog/2017/05/heres_your_license_now_get_into_that_voting_booth.html#.WQn2GhzEXgE.twitter)

## New Hampshire: Busted Ex-ACORN Employee Fights Voter Reform of Same Day Registration

A former ACORN employee who illegally paid for voter registrations during the 2008 presidential election is now working for a group connected to liberal billionaire George Soros that is actively fighting against a voter fraud prevention bill in New Hampshire. Amy Busefink, the deputy director at Project Vote, a Washington, D.C.-based voter mobilization organization that was closely affiliated with the now-defunct Association of Community Organizations for Reform Now (ACORN), is seeking to defeat attempts to reform New Hampshire's voter registration process. Republicans in New Hampshire want to change the definition of a "domicile" for voter registration purposes.

<http://freebeacon.com/issues/busted-ex-acorn-employee-fighting-nh-voter-registration-reform/>

## Pennsylvania: Philly's Felonious Franchise

"In the City of Brotherly Love, you can retain your voter registration no matter what crime you commit," writes ACRU Senior Fellow Robert Knight in The Washington Times. "That's because election officials refuse to take convicted felons off the voter rolls even if they're still serving time in jail. One potential voter is convicted baby murderer Kermit Gosnell. In May 2013, in a case that shocked the nation, Gosnell was convicted of first-degree murder for killing fully developed babies born alive at his abortion clinic by severing their spines with scissors.

"Also still registered to vote is Philadelphia's former 11-term Democratic Congressman Chaka Fattah, who was convicted of racketeering and in January began serving 10 years, the second-longest prison term ever for a former member of Congress.

"Although city officials maintain that Pennsylvania law limits felons' voting rights based on their incarcerated status, a city attorney admitted that if someone were to "put a polling place in the prison," felons on the rolls would be permitted to vote. They just can't vote by absentee ballot. Or can they? The absurdly shifting legal stance was exposed on April 27 during a court hearing in American Civil Rights Union v. Philadelphia City Commissioners at the Third U.S. Circuit Court of Appeals."

<http://www.washingtontimes.com/news/2017/may/7/philadelphia-allows-those-in-jail-to-vote/>

## Texas: 'I feel violated': Senior Citizens Rattled by Vote Fraud in West Dallas, Grand Prairie

In the past few weeks, dozens of ballots in bright green envelopes showed up at homes in West Dallas and Grand Prairie. The residents — all of retirement age — were confused. They hadn't requested mail-in ballots for the May 6 municipal elections, but yet, here they were.

When those same voters called the Dallas County Elections Department, one by one, many were told the same thing: Your signature appears on the mail-in ballot application. And a guy named Jose Rodriguez signed it, too, saying he helped you.

Only people who are 65 and older or disabled are eligible to request annual ballots to vote by mail. It's not illegal for campaigns to help someone fill out an application to vote by mail, though it is illegal to try to influence the person's vote. But the residents in these cases say their signatures on those ballot applications were forged. <https://www.dallasnews.com/news/dallas-county/2017/05/04/feel-violated-senior-citizens-rattled-voter-fraud-west-dallas-grand-prairie>

## Virginia: Election Officials Say Hundreds of Noncitizens Were Registered to Vote

At a state elections board meeting in Richmond last week, it was reported that somehow almost 700 noncitizens were on the voting rolls. The correction was made because these people self-reported as being noncitizens at the Department of Motor Vehicles.

<http://www.nbc29.com/story/35355265/election-officials-say-hundreds-of-noncitizens-were-registered-to-vote#.WQ5WszDrmXQ.twitter>

## REDISTRICTING

## Ohio Attorney General Rejects Congressional Redistricting Amendment Language

Mike DeWine on Thursday rejected a proposal that would change how Ohio draws its congressional districts. But supporters say they have plenty of time to resubmit their constitutional amendment and collect the signatures to put it on the November 2018 ballot.

Fair Congressional Districts for Ohio recently submitted its proposed constitutional amendment and a summary to appear on petitions. DeWine cited two errors where the summary language did not match the proposed Bipartisan Congressional Redistricting Reform Amendment.

[http://www.cleveland.com/metro/index.ssf/2017/05/ohio\\_attorney\\_general\\_rejects.html](http://www.cleveland.com/metro/index.ssf/2017/05/ohio_attorney_general_rejects.html)

## Brief for Republican National Committee in Wisconsin Redistricting Case

<http://www.scotusblog.com/wp-content/uploads/2017/04/16-1161-cert-amicus-rnc.pdf>



**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, June 12, 2017 12:11 PM EDT  
**Subject:** ACRU Election Integrity Bulletin for June 12, 2017  
**Attachment(s):** "June 12 2017 ACRU Election Integrity Bulletin.pdf"

The Russian fixation continues. Read about this and more in today's ACRU Election Integrity Bulletin.

## **FEDERAL**

### **Obama Never Warned State Election Officials of Russian Election 'Hacking'**

Neither former President Barack Obama nor any member of his cabinet warned state election officials of any Russian effort to hack or interfere with the country's electoral systems, according to the president of the National Association of Secretaries of State.

### **Top-Secret NSA Report Details Russian Hacking Effort Days before 2016 Election**

Russian military intelligence executed a cyberattack on at least one U.S. voter registration software supplier and sent spear-phishing emails to more than 100 local election officials just days before last November's presidential election, according to a highly classified intelligence report.

### **Response of National Association of Secretaries of State (NASS)**

The NSA report is concerning. However, we have yet to see any evidence that would call into question the outcome of the 2016 elections in any state or locality.

### **Washington Times: Homeland Security Has No Archive on Illegal Immigrants Who Vote**

President's Trump election integrity commission may be in for unpleasant surprises.

### **DHS Chief Doubles Down on Critical Infrastructure Designation for Voting Systems**

In the wake of a leaked intelligence document describing Russian attempts to hack voting systems, Department of Homeland Security Secretary John Kelly says he supports maintaining the designation of voting systems as critical infrastructure.

### **Election Assistance Commission: White Paper on U.S. Election Systems as Critical Infrastructure**

## **STATES**

### **Indiana: Canvassers Charged in Fake, Fraudulent Voter Registrations**

Twelve employees of a Democrat-linked group focused on mobilizing black voters in Indiana are accused of submitting fake or fraudulent voter registration applications ahead of last year's election.

### **Texas: Appeals Court to Weigh Voting Law Limiting Language Interpreters at the Polls**

The U.S. 5th Circuit Court of Appeals will hear arguments Thursday over an obscure provision in the Texas Election Code.

### **Texas: Dead People Applied to Vote in Dallas County**

At least 17 deceased individuals applied for a ballot to vote in the May 6 election, according to the Dallas County elections department.

### **Texas: Governor Calls for Mail-in Ballot Reforms – "We will crush illegal voting."**

The Legislature passed a bill that curbs voter fraud at nursing homes. Gov. Abbott wants further action during the special session asking for a bill "cracking down on mail-in ballot fraud.

### **Virginia: Guilty Plea Expected in Voter Fraud Case Involving Registration Forms**

Charges have been filed in connection with a Harrisonburg voter fraud case.

## **REDISTRICTING**

### **North Carolina: U.S. Supreme Court Finds Lawmaker Maps Were Racial Gerrymanders**

The Supreme Court faulted North Carolina in a racially tinged voting rights case.

### **Texas: Democrats See New Opportunities in Redistricting Case**

A congressional redistricting case could offer Texas Democrats a glimmer of hope for making gains in the Republican-dominated states if a new map takes effect shortly before the 2018 elections.



June 12, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### Obama Never Warned State Election Officials of Russian Election 'Hacking'

Neither former President Barack Obama nor any member of his cabinet warned state election officials of any Russian effort to hack or interfere with the country's electoral systems, according to the president of the National Association of Secretaries of State. "We did ask," Denise Merrill, Connecticut secretary of state and the association's top official, told The Daily Caller News Foundation's Investigative Group last Wednesday. "And over-and-over again, they did say there was no credible threat that they had found." <http://dailycaller.com/2017/06/07/exclusive-obama-never-warned-state-election-officials-of-russian-election-hacking/>

### Top-Secret NSA Report Details Russian Hacking Effort Days before 2016 Election

Russian military intelligence executed a cyberattack on at least one U.S. voter registration software supplier and sent spear-phishing emails to more than 100 local election officials just days before last November's presidential election, according to a highly classified intelligence report obtained by The Intercept. The top-secret National Security Agency document, which was provided anonymously to The Intercept and independently authenticated, analyzes intelligence very recently acquired by the agency about a months-long Russian intelligence cyber effort

against elements of the U.S. election and voting infrastructure.

<https://theintercept.com/2017/06/05/top-secret-nsa-report-details-russian-hacking-effort-days-before-2016-election/>

### Response of National Association of Secretaries of State (NASS)

The security of our voting process is a top priority for Secretaries of State who serve as chief state election officials. The NSA report is concerning. However, we have yet to see any evidence that would call into question the outcome of the 2016 elections in any state or locality. That said, these attempts to penetrate our voter registration systems are an urgent reminder of the need to get more cybersecurity support and resources into the hands of the state and local officials who administer and oversee U.S. elections. <http://www.nass.org/index.php/news-releases-and-statements/release-nass-statement-on-us-intelligence-report-local-officials-june-17>

### Washington Times: Homeland Security Has No Archive on Illegal Immigrants Who Vote

President's Trump election integrity commission plans to significantly rely on data from the Department of Homeland Security to determine the extent of illegal voting by non-citizens. But the commission, headed by Vice President Mike Pence and Kansas Secretary of State Kris Kobach, may be in for unpleasant surprises. <http://www.washingtontimes.com/news/2017/jun/4/illegal-immigrants-who-vote-not-tracked/>

## DHS Chief Doubles Down on Critical Infrastructure Designation for Voting Systems

In the wake of a leaked intelligence document describing Russian attempts to hack voting systems, Department of Homeland Security Secretary John Kelly doubled down on maintaining the designation of voting systems as critical infrastructure. Kelly told the Senate Homeland Security and Governmental Affairs Committee on June 6 that despite pushback he's received from state and local election officials -- as well as "many members of Congress" -- he would support the designation put in place by his predecessor, Jeh Johnson. "I don't believe we should" back off on the critical infrastructure designation, he testified, adding that he plans to meet with state officials next week to further discuss how DHS can make sure states' election systems are protected.

<https://fcw.com/articles/2017/06/06/gunter-dhs-kelly-election-protection.aspx?m=1>

## Video at 23:00 Can Be Found on Subject:

<https://www.c-span.org/video/?429383-1/secretary-kelly-travel-ban-injunctions-hobbling-homeland-security-screening-effort&start=1386>

## Election Assistance Commission: White Paper on U.S. Election Systems as Critical Infrastructure

[https://www.eac.gov/assets/1/6/starting\\_point\\_us\\_election\\_systems\\_as\\_Critical\\_Infrastructure.pdf](https://www.eac.gov/assets/1/6/starting_point_us_election_systems_as_Critical_Infrastructure.pdf)

## STATES

## Indiana: Canvassers Charged in Fake, Fraudulent Voter Registrations

Twelve employees of a Democrat-linked group focused on mobilizing black voters in Indiana are accused of submitting fake or fraudulent voter registration applications ahead of last year's general

election in order to meet quotas, according to charging documents. Prosecutors allege that 11 temporary workers employed by the Indiana Voter Registration Project created and submitted an unknown number of falsified applications. According to a probable cause affidavit, a supervisor for those canvassers, Holiday Burke, was also charged, as was the group.

<https://apnews.com/6b71a926cb624a209851b41ac616b184>

## Texas: Appeals Court to Weigh Voting Law Limiting Language Interpreters at the Polls

The U.S. 5th Circuit Court of Appeals will hear arguments Thursday over an obscure provision in the Texas Election Code that critics say makes it harder for Texans not proficient in English to get assistance while voting.

<https://www.texastribune.org/2017/06/08/appeals-court-consider-texas-election-law-language-interpreters/>

## Texas: Dead People Applied to Vote in Dallas County

At least 17 deceased individuals applied for a ballot to vote in the May 6 election, according to the Dallas County elections department. State law says the county clerk or Secretary of State's office are supposed to review death certificates and alert the elections department if someone is deceased.

<http://www.wtsp.com/news/politics/dead-people-apply-to-vote-in-dallas-county/447034930>

## Texas: Governor Abbott Calls for Special Session to Include Mail-in Ballot Reforms – “We Will Crush Illegal Voting.”

The Legislature used part of its regular session to pass a bill that curbs voter fraud at nursing homes and widens ballot access to elderly Texans who live in them. Abbott wants further action during the special session asking for a bill "cracking down on mail-in ballot fraud." In late 2016, after the state began

investigating alleged mail-in ballot voter fraud in Tarrant County, he tweeted, "We will crush illegal voting."

<https://www.texastribune.org/2017/06/08/what-greg-abbott-said-special-session-agenda/>

## Virginia: Guilty Plea Expected in Voter Fraud Case Involving Registration Forms

Charges have been filed in connection with a Harrisonburg voter fraud case. According to documents filed Thursday in federal court, the Acting U.S. Attorney claims Andrew Spieles attempted to transfer a false voter registration form. Spieles intends to plead guilty and the next hearing is June 20. In the lead up to the 2016 election, the Commonwealth Attorney had said that the FBI and the Harrisonburg police were investigating a number of voter registration forms that appeared to be false. <http://www.whsv.com/content/news/Charges-filed-in-Harrisonburg-voter-fraud-case-427300193.html>

## REDISTRICTING

### North Carolina: U.S. Supreme Court Finds Lawmaker Maps Were Racial Gerrymanders

The Supreme Court faulted North Carolina in a racially tinged voting rights case, upholding a lower court's ruling that the districts were racial gerrymanders with boundaries drawn to diminish the voting power of minorities, violating the U.S. Constitution's guarantee of equal protection under the law. The lower court found that the Republican-led state legislature had crammed black voters into a limited number of districts in order to lessen their statewide electoral power. The Supreme Court sent the case back to the lower court to determine whether special elections were necessary.

<http://www.reuters.com/article/us-usa-court-election-idUSKBN18W1TF>

### Texas: Democrats See New Opportunities in Redistricting Case

A congressional redistricting case could offer Texas Democrats a glimmer of hope for making gains in the Republican-dominated states if a new map takes effect shortly before the 2018 elections. A panel of three federal judges in Texas concluded in March that three congressional districts in the 2011 congressional map violated the Voting Rights Act by diluting opportunities for minority communities to select candidates of their choice. But the 2011 map is no longer in effect, since the state adopted a new map in 2013 amid ongoing litigation. Texas says the 2013 map is legal, since it was approved by the courts.

<http://www.rollcall.com/news/politics/democrats-see-new-opportunities-texas-redistricting-case#sthash.Sp0xQVDM.uxf5>

**From:** Susan Carleson <susan.carleson@theacru.org>

**Sent:** Monday, June 19, 2017 1:21 PM EDT

**Subject:** ACRU Election Integrity Bulletin for June 19, 2017

**Attachment(s):** "ACRU Election Integrity Bulletin for June 19 2017PDF.pdf"

Redistricting may soon take center stage at the U.S. Supreme Court and elsewhere. Read about this and more in this week's ACRU Election Integrity Bulletin.

## **FEDERAL**

### **AP: Supreme Court Justices Could Consider Fight over Electoral Maps**

In an era of deep partisan divide, the Supreme Court could soon decide whether the drawing of electoral districts can be too political.

### **Will Supremes Cut More of VRA?**

After the U.S. Supreme Court's landmark 2013 decision in *Shelby County v. Holder*, Democrats have increasingly turned to another part of the Voting Rights Act, Section 2, to challenge what they see as restrictive voting requirements. If Democrats use Section 2 to aggressively attack state laws, it could put the provision at risk.

### **DNC Hackers Targeted Heritage Foundation before Election**

The same hackers believed to have been behind the hacking of the Democratic National Committee and Clinton campaign chair John Podesta targeted employees at the Heritage Foundation during the run-up to the 2016 election.

### **Jim Geraghty, National Review Online: Wait, All of a Sudden, Partisan Redistricting Is Unconstitutional? Now?**

"As Wisconsin Republicans point out, if their redistricting model is unconstitutional, so are those of about one third of the states.

### **Media and Democrats Make the Case to Place Texas under Preclearance for Voting Changes**

Court rulings have forced Texas leaders to confront whether they strayed too far in enacting voting laws found to have disproportionately burdened minorities.

## **STATES**

### **California Democrats Use Budget Bill to Change Recall Election Rules, Help Colleague**

Over impassioned objections from GOP lawmakers, California Democrats used a budget maneuver to help out a freshman colleague, Sen. Josh Newman, who faces an ugly recall battle in Southern California.

### **Former Florida Mayor Gets Probation for Voter Fraud Charges**

Anthony Grant, 51, was sentenced to four years of probation and 400 hours of community service. Jurors found him guilty last month of felony voting fraud, a felony election violation and a misdemeanor absentee-voting violation. He had faced up to 11 years in prison.

### **Maryland: Non-citizens May Soon Be Able to Vote in College Park Elections**

The College Park City Council introduced an amendment to the city's charter to eliminate U.S. citizenship as a voter registration requirement for city elections.

## **REDISTRICTING**

### **Legislative Black Caucus Urges Courts to Reject Alabama Redistricting Maps**

Last month, the Alabama Legislature passed a law changing voting districts to comply with a federal court order. Now, the Alabama Legislative Black Caucus is contesting those new district maps.

### **North Carolina Governor Has No Constitutional Role in Redistricting**

As governor, Roy Cooper plays a zero role in creating North Carolina's election maps for the General Assembly or Congress. Neither the constitution nor state law calls on him to draw maps, to order others to draw maps, or to review maps once they're completed.





June 19, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### AP: Supreme Court Justices Could Consider Fight over Electoral Maps

In an era of deep partisan divide, the Supreme Court could soon decide whether the drawing of electoral districts can be too political.

<https://apnews.com/0a18c9fbe5934c80994d2c8c1a8a471b>

### Will Supremes Cut More of VRA?

After the U.S. Supreme Court's landmark 2013 decision in *Shelby County v. Holder*, Democrats have increasingly turned to another part of the Voting Rights Act, Section 2, to challenge what they see as restrictive voting requirements. Despite recent victories under that provision, election law litigator Paul M. Smith questioned its validity in a "post-Kennedy" world. Smith, of the Campaign Legal Center, Washington, was referring to the speculation that swing-Justice Anthony M. Kennedy might retire in coming years. Section 2 isn't likely to fall in the near future, William S. Consovoy, of Consovoy McCarthy Park PLLC, Washington, said. But if Democrats use Section 2 to aggressively attack state laws, it could put the provision at risk.

<https://www.bna.com/supreme-court-cut-n73014453465/>

### DNC Hackers Targeted Conservative Heritage Foundation before Election

The same hackers believed to have been behind the hacking of the Democratic National Committee and

Clinton campaign chair John Podesta targeted employees at the conservative Heritage Foundation during the run-up to the 2016 election. Heritage alerted employees to the phishing attempts in an email just two weeks before the election, adding that the FBI had contacted Heritage about the phishing attempts.

[http://dailycaller.com/2017/06/13/exclusive-dnc-hackers-targeted-heritage-foundation-before-election/?utm\\_source=site-share](http://dailycaller.com/2017/06/13/exclusive-dnc-hackers-targeted-heritage-foundation-before-election/?utm_source=site-share)

### Jim Geraghty, National Review Online: Wait, All of a Sudden, Partisan Redistricting Is Unconstitutional? Now?

"Not everything we dislike in this world violates the Constitution. Or at least, there used to be a separation between the merely annoying or disagreeable and the unconstitutional. But now the Supreme Court is asked to weigh in on everything — including whether it's fair that Democratic-leaning voters cluster closely together in urban legislative districts. As Wisconsin Republicans point out, if their redistricting model is unconstitutional, so are those of about one third of the states. How quickly we forget: Careful redrawing of district lines to maximize a political advantage was a big part of launching the career of Barack Obama."

<http://www.nationalreview.com/morning-jolt/448539/wisconsin-partisan-redistricting-jon-ossoffs-georgia-special-election-julius>

## Media and Democrats Make the Case to Place Texas under Preclearance for Voting Changes

Court rulings have forced Texas leaders to confront whether they strayed too far in enacting voting laws found to have disproportionately burdened minorities. <https://www.texastribune.org/2017/06/16/voter-wars-kickoff/>

### STATES

## California Democrats Use Budget Bill to Change Recall Election Rules, Help Colleague

Over impassioned objections from GOP lawmakers, California Democrats used a budget maneuver to help out a freshman colleague, Sen. Josh Newman, who faces an ugly recall battle in Southern California after voting for increasing the state's gas tax less than six months after he was elected. <http://www.mercurynews.com/2017/06/15/california-democrats-use-budget-bill-to-change-recall-election-rules-help-colleague/>

## Former Florida Mayor Gets Probation for Voter Fraud Charges

The Orlando Sentinel reports that Anthony Grant, 51, was sentenced to four years of probation and 400 hours of community service. Jurors found him guilty last month of felony voting fraud, a felony election violation and a misdemeanor absentee-voting violation. He had faced up to 11 years in prison. Authorities say Grant and two campaign workers participated in a bribes-for-votes scheme, claiming they offered bribes and lowered rent in exchange for votes by absentee ballots. One of the campaign workers also received probation for the scheme, while the other worker was acquitted by a jury. [https://www.usnews.com/news/best-states/florida/articles/2017-06-16/former-florida-mayor-gets-probation-for-voter-fraud-charges?src=usn\\_tw](https://www.usnews.com/news/best-states/florida/articles/2017-06-16/former-florida-mayor-gets-probation-for-voter-fraud-charges?src=usn_tw)

## Maryland: Non-citizens May Soon Be Able to Vote in College Park Elections

The College Park City Council introduced an amendment to the city's charter to eliminate U.S. citizenship as a voter registration requirement for city elections and authorize a supplementary city voter registration list. A public hearing for the proposed amendment has been scheduled for July 11. <http://www.dbknews.com/2017/06/15/college-park-non-citizen-voting-city-council/>

### REDISTRICTING

## Legislative Black Caucus Urges Courts to Reject Alabama Redistricting Maps

Last month, the Alabama Legislature passed a law changing voting districts to comply with a federal court order. Now, the Alabama Legislative Black Caucus is contesting those new district maps. In January, the Alabama Legislature was mandated by a court order to redraw 12 districts in the state. The Judges ruled that these districts were unconstitutional, because they relied too heavily on race. <http://whnt.com/2017/06/13/alabama-legislative-black-caucus-urges-the-courts-to-reject-redistricting-maps/>

## North Carolina Governor Has No Constitutional Role in Redistricting

As governor, Roy Cooper plays a zero role in creating North Carolina's election maps for the General Assembly or Congress. Neither the constitution nor state law calls on him to draw maps, to order others to draw maps, or to review maps once they're completed. In fact, laws spelling out legislative and congressional election maps face a clear exemption from the governor's review. You can find that exemption in Article II, Section 22 of the state constitution. Unlike other recent disputes pitting the Democrat Cooper against the Republican-led legislature, disagreement about election districts has

no direct impact on the governor's ability to exercise executive authority. Legislative districts help determine the composition of the legislative branch alone.

<http://www.ncspin.com/n-c-governor-no-constitutional-role-in-redistricting/>



**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, May 15, 2017 12:25 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** ACURU Election Integrity Bulletin for May 15, 2017  
**Attachment(s):** "May 15 2017 ACURU Election Integrity BulletinPDF.pdf"

The big news is President Trump's kept promise to name a commission on vote fraud. Read about this and more in this week's Bulletin.

## **FEDERAL**

### **President Establishes Panel to Probe Vote Fraud**

Donald Trump signed an executive order on Thursday establishing a panel to investigate vote fraud, a commission he first talked about in early February.

**Interview of Kris Kobach with Tucker Carlson, Fox News: "This is a first-of-its-kind effort versus voter fraud."**

**National Review: Why Are Democrats Afraid of the Election Integrity Commission?**

## **STATES**

### **Illinois: House Expected to Amend Automatic Voter Registration Bill**

The state House is expected to alter a measure to automatically register people to vote when they interact with a state agency because of concerns shared by the Illinois State Board of Elections.

### **Nebraska: Democrats Filibuster Voter ID Amendment Bill**

A proposal to set a vote on a state constitutional amendment to require ID to vote in Nebraska has stalled due to a Democrat filibuster.

### **New Hampshire: A 2016 Election Battleground State Investigates Potential Voter Fraud**

A public records request by New Hampshire Public Radio determined that 5,903 state voters registered on Election Day using an out-of-state ID under the state's same-day voter registration law.

### **Pennsylvania: Kermit Gosnell Still Registered to Vote in Philadelphia**

Abortionist Kermit Gosnell, who was found guilty of murdering babies born alive during abortions, is among the convicted felons who are still registered to vote in Philadelphia.

### **ACRU Lawsuit: Philadelphia's Felonious Franchise - Criminal Problem with Voter Rolls Uncovered**

Philadelphia election officials refuse to clean up their voter registration records despite an American Civil Rights Union (ACRU) lawsuit that has revealed the listing of ineligible voters such as convicted felons and non-citizens.

### **New York: Legislature to Consider Lower Voting Age to 17**

State Sen. Brad Hoylman (D-Manhattan) is sponsoring a bill.

### **Rhode Island: At least 125 Voters Claim Police Stations, Shops as Their Home Address**

A half-dozen past and present Providence police officers may have committed a felony by registering to vote from the police station's address: 325 Washington Street.

### **West Virginia: Secretary of State Cleans Voter Lists**

Nearly 52,000 voter registrations in West Virginia have been removed from voter rolls since January, according to Secretary of State Mac Warner's office.

### **Wisconsin: Democrats Still Blaming Voter ID Laws for Clinton Loss**

In a rather one-sided analysis, Christina Cassidy and Ivan Moreno wrote an Associated Press piece that seeks to explain Clinton's narrow defeat in the Badger State.

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May 15, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

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Donald Trump signed an executive order on Thursday establishing a panel to investigate voter fraud, a commission he first talked about in early February. “The president is committed to the thorough review of registration and voting issues in federal elections,” spokesman Sarah Huckabee Sanders said. “The president named Vice President Mike Pence to lead the Presidential Advisory Commission on Election Integrity, and named a bipartisan group of members that includes chief state election officials.

“The commission will review policies and practices that enhance or undermine the American people’s confidence in the integrity of federal elections and provide the president with a report that identifies system vulnerabilities that lead to improper registrations and voting. We expect the report will be complete by 2018. The experts and officials on this commission will follow the facts where they lead. Meetings and hearings will be open to the public for comments and input.”

**First Members of the Commission:** Kansas Secretary of State Kris Kobach, a Republican, will be the vice chairman. Indiana Secretary of State Connie Lawson will also be on the commission, as will New Hampshire Secretary of State Bill Gardner, a Democrat, and Maine Secretary of State Matthew Dunlap, a Democrat. The commission will also include former Ohio Secretary of State Ken Blackwell, a Republican (who is an American Civil Rights Union Senior Fellow and Policy Board member), and U.S. Elections Assistance Commission member Christie McCormick. Other members will be named at a later date.

<http://dailysignal.com/2017/05/11/trump-establishes-panel-probe-voter-fraud/>

**Interview of Kris Kobach with Tucker Carlson, Fox News: “This is a first-of-its-kind effort versus voter fraud.”**

<https://www.youtube.com/watch?v=Ees7HbPPAfU>

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The hysterical criticism of Mr. Trump’s move lays bare the ideological conflict of visions raging over efforts to improve our election systems.

<http://www.nationalreview.com/article/447615/election-integrity-commission-trump-democrats-attack-ignore-fraud-evidence>

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The state House is expected to amend a measure to automatically register people to vote when they interact with a state agency because of concerns shared by the Illinois State Board of Elections. A similar measure passed onto the governor's desk last year but was vetoed, with Gov. Bruce Rauner offering suggestions to make it comply with federal law and to combat potential voter fraud.

[https://ilnews.org/news/state\\_politics/illinois-house-expected-to-amend-automatic-voter-registration-bill-to/article\\_9e2ae770-3403-11e7-a30e-d71f95ff1010.html](https://ilnews.org/news/state_politics/illinois-house-expected-to-amend-automatic-voter-registration-bill-to/article_9e2ae770-3403-11e7-a30e-d71f95ff1010.html)

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A proposal to set a vote on a state constitutional amendment to require ID to vote in Nebraska has stalled due to a Democrat filibuster. Bill sponsor Republican Sen. John Murante said he believes laws like this will restore voter confidence in the election system and if done right, won't disenfranchise voters. He fell four votes short of ending debate on the bill, with a 26-17 vote.

<http://nebraska.tv/news/local-politics/voter-id-proposal-stalls-in-nebraska-legislature>

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Philadelphia election officials refuse to clean up their voter registration records despite an American Civil Rights Union (ACRU) lawsuit that has revealed the listing of ineligible voters such as convicted felons and non-citizens. For example, still registered is Philadelphia's former 11-term Democratic Congressman Chaka Fattah, who was convicted of racketeering and in January began serving 10 years in prison. Fattah's son, Chaka "Chip" Jr., who got five years in prison in February for bank and tax fraud, also remains on Philadelphia's voting rolls.

[http://www.prnewswire.com/news-releases/acru-lawsuit-philadelphias-felonious-franchise-300453425.html?tc=eml\\_cleartime](http://www.prnewswire.com/news-releases/acru-lawsuit-philadelphias-felonious-franchise-300453425.html?tc=eml_cleartime)

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## Rhode Island: At least 125 Voters Claim Police Stations, Shops as Their Home Address

A half-dozen past and present Providence police officers may have committed a felony by registering to vote from the police station's address: 325 Washington Street. Providence Police Commissioner Steven M. Paré says the officers with whom he spoke — including one who actually lives and votes in Massachusetts — told him they have “no idea” how they landed on the capital city's voter rolls at that address. State law requires a voter to register from “his or her fixed and established domicile.” There are, however, at least 125 people on voter rolls across Rhode Island who claim they live in a UPS store, a U.S. post office, a gas station on Hartford Avenue in Johnston, a cellphone store in a Newport strip mall, and scores of other commercial buildings and vacant lots.

<http://www.providencejournal.com/news/20170511/at-least-125-ri-voters-claim-police-stations-shops-as-their-home-address>

## West Virginia: Secretary of State Cleans Voter Lists

Nearly 52,000 voter registrations in West Virginia have been removed from voter rolls since January, according to the West Virginia Secretary of State Mac Warner's office. The state has a long history of unpurged voter rolls leading to criminal activity involving elections. In 2012, three West Virginia counties were identified as having more registered voters than recorded population — Lincoln, Marion and Boone counties. In the five years since, there have been intensive efforts to clean up the voting rolls by West Virginia's county clerks.

<http://www.weirtondailytimes.com/news/local-news/2017/05/warner-cleans-voter-lists-across-w-va/>

## Wisconsin: Democrats Still Blaming Voter ID Laws for Clinton Loss

In a rather one-sided analysis, Christina Cassidy and Ivan Moreno wrote an Associated Press piece that seeks to explain why Clinton's narrow defeat in the Badger State may have come down to the simple fact that some unknown (and unknowable) number of voters wound up being “unable” to cast a vote last November due to voter identification requirements.

[http://start.att.net/news/read/article/the\\_associated\\_press-in\\_wisconsin\\_id\\_law\\_proved\\_insurmountable\\_for\\_many-ap](http://start.att.net/news/read/article/the_associated_press-in_wisconsin_id_law_proved_insurmountable_for_many-ap)

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, May 22, 2017 11:23 AM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** ACRU Election Integrity Bulletin for May 22, 2017  
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The White House announced last week that Kris Kobach, Kansas secretary of state and associate counsel at my law firm, is to be vice chairman of the newly-created Presidential Commission on Voter Integrity.

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"In Philadelphia, about 40 ACLU ex-con canvassers like Mike Twiggs, 59, who served 41 years for murder, knocked on doors and distributed literature keyed to the Democratic primary election last Tuesday in which voters selected newcomer Larry Krasner as the district attorney candidate."

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<http://www.lifezette.com/polizette/study-seven-million-voters-registered-in-multiple-states/>

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**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, May 22, 2017 11:31 AM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** ACURU Election Integrity Legislative Activity Update for May 22, 2017  
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The Granite State is taking aim at preventing out-of-staters from voting. Read about this and other legislative news in this week's Legislative Activity Update.

#### **VOTER ID**

**NEW HAMPSHIRE:** A bill requiring proof of residency gets one step closer to Governor Sununu.

**OHIO:** Representative Greenspan sponsored HB 222 that amends the voter ID law to specify that a concealed handgun license would qualify as photo identification for voting purposes.

#### **FELON VOTING**

**ALABAMA:** HB232, the Felony Voter Disqualification Act sponsored by Representative Jones, would establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote.

#### **AUTOMATIC VOTER REGISTRATION**

**ILLINOIS:** The House is expected to amend an automatic voter registration bill to address election board concerns.

**ILLINOIS:** The Senate approved automatic voter registration.

#### **ABSENTEE MAIL BALLOTS**

**WASHINGTON:** Sponsored by Republican Sen. Kirk Pearson the bill requires at least one ballot drop box for every 15,000 registered voters.

#### **STRAIGHT-PARTY VOTING**

**TEXAS:** The Senate gave initial approval to legislation that would eliminate straight-ticket voting in all elections.

#### **RANKED CHOICE VOTING**

**UTAH:** Legislators and county clerks wrestled over whether to pursue "ranked-choice voting," sometimes called instant runoff voting, to help ensure that election winners are actually supported by a majority of voters.

#### **ELECTION ADMINISTRATION**

**WASHINGTON D.C.:** The District will spend \$3 million to remove ineligible names, including those of dead people, from voter rolls.

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**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Tuesday, May 02, 2017 1:21 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** ACRU Legislative Activity Update for May 2, 2017  
**Attachment(s):** "May 2, 2017 Legislative Report.pdf"

Two state legislatures considered voter ID bills, but only one made it into law. See those items and others in this week's edition.

## **VOTER ID**

**MAINE:** Democrats rejected requiring voters to present photo IDs. On a largely party-line vote, Democrats quashed legislation that Republicans said would fight vote fraud.

**NORTH DAKOTA:** Republican Gov. Doug Burgum signed House Bill 1369, which allows those who don't bring a valid ID to the polls to cast a ballot that's set aside until they produce an ID.

## **FELON VOTING**

**NEBRASKA:** Republican Gov. Pete Ricketts vetoed a bill that would have allowed ex-felons to bypass a two-year waiting period and vote as soon as they complete a prison sentence or probation.

## **VOTE FRAUD**

**ARIZONA:** The House and Senate sent SB 1370 to the governor for signature. The bill restores the ability of the Attorney General to prosecute double voting.

## **ABSENTEE MAIL BALLOTS**

**TEXAS:** A House committee is considering changes to mail-in ballot procedures in an effort to restrict activities of the "politiquera," a familiar figure in South Texas. A "politiquera" is a campaign worker or vote broker who drives people to the polls or takes mail-in ballots.

## **ELECTION ADMINISTRATION**

**NORTH CAROLINA:** Republican lawmakers voted to override Democratic Gov. Roy Cooper's veto of a bill that reduces his authority over state elections.

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May 2, 2017

## Legislative Activity

### VOTER ID

**MAINE:** Democrats rejected requiring voters to present photo IDs. On a largely party-line vote, Democrats quashed legislation that Republicans said would fight vote fraud. The Maine House rejected a bill that would have required voters to present photo identification at their polling places in order to cast a ballot. Majority Democrats prevailed on a 76-67 vote that split mostly on party lines in rejecting L.D. 121, which sought to make voters provide proof of identity with photo ID such as a driver's license or state-issued identification card. <http://www.pressherald.com/2017/04/25/maine-house-rejects-requiring-voters-to-present-photo-ids/>

**NORTH DAKOTA:** Gov. Doug Burgum signed House Bill 1369. It comes amid a federal lawsuit challenging changes made by the Republican-led Legislature in the past two sessions. The bill allows those who don't bring a valid ID to the polls to cast a ballot that's set aside until they produce an ID. If an ID doesn't include required information or is out of date, a voter could use a current utility bill, bank statement, government-issued check, paycheck or government document to supplement the ID. "The right to vote is a powerful underpinning of American democracy, and this legislation protects that right while offering eligible citizens multiple and straightforward opportunities to legally cast their ballot," Burgum said in a statement. "House Bill 1369 strengthens the integrity of our elections by ensuring all voters have proper identification while allowing those without current or complete forms of ID to provide supplemental documents to verify their eligibility." [http://bismarcktribune.com/news/state-and-regional/burgum-signs-voter-id-bill-amid-lawsuit/article\\_bec91fc2-dd86-531f-9812-cd9b4cd57bc4.html](http://bismarcktribune.com/news/state-and-regional/burgum-signs-voter-id-bill-amid-lawsuit/article_bec91fc2-dd86-531f-9812-cd9b4cd57bc4.html)

To follow the status of the bill:

<http://www.legis.nd.gov/assembly/65-2017/bill-actions/ba1369.html>

### FELON VOTING

**NEBRASKA:** Republican Gov. Pete Ricketts last Thursday vetoed a bill that would have allowed ex-felons to bypass a two-year waiting period and vote as soon as they complete a prison sentence or probation. In his veto letter, Ricketts said that while rehabilitating criminals is an important goal, the immediate restoration of voting rights is not the answer. About 30 percent of felons commit another crime within a few years after release from prison, he said. While supporters of the bill contend that being able to vote increases civic engagement and helps to reduce the risk of committing more crimes, studies have failed to demonstrate a link between restoring voting rights and reduced recidivism, he said. Nebraska's recidivism rate is 31.3 percent, defined as people who were discharged from prison in fiscal year 2013 and returned to prison in the next three fiscal years. "Requiring convicted felons to wait before allowing them to vote provides an incentive to maintain a clean record and avoid subsequent convictions," Ricketts said in his veto letter to the Legislature. Ricketts also has concerns that restoring the right to vote contradicts the process set out in Nebraska's constitution. The sole power of restoring civil rights to felons rests with the Board of Pardons, he said. And the Legislature may not circumvent the



constitution. "LB75 is attempting to create the equivalent of a legislative pardon," he said. "This is not permissible under the constitution." On the three votes on the bill, Democrat Sen. Justin Wayne had 27 to 32 votes of support. The final reading vote was 27-13, with 7 senators present not voting.

[http://journalstar.com/legislature/ricketts-vetoes-bill-that-would-give-ex-felons-right-to/article\\_8b11fcf0-97d4-579b-860f-e099334ef91a.html](http://journalstar.com/legislature/ricketts-vetoes-bill-that-would-give-ex-felons-right-to/article_8b11fcf0-97d4-579b-860f-e099334ef91a.html)

To follow the legislation: [http://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=30782](http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=30782)

## VOTE FRAUD

**ARIZONA:** The House and Senate sent SB 1370 to the governor for signature. The bill restores the ability of the Attorney General to prosecute double voting.

The bill language:

<http://www.azleg.gov/legtext/53leg/1R/bills/SB1370S.htm>

To follow the status of the bill:

<https://apps.azleg.gov/BillStatus/BillOverview?SessionID=117>

## ABSENTEE MAIL BALLOTS

**TEXAS:** A House committee is considering changes to mail-in ballot procedures in an effort to restrict activities of the "politiquera," a familiar figure in South Texas. A "politiquera" is a campaign worker or vote broker who drives people to the polls or takes mail-in ballots. In different election cycles, some politiqueras were accused of election fraud and preying upon the elderly. The Texas House Committee on Elections reported HB 3425 out of committee. Proposed changes to the Texas Election Code include decreasing the number of mail-in ballots a person can handle to two ballots and a heavier penalty for those who violate the statute.

[http://www.themonitor.com/news/local/article\\_826e7d1c-2a26-11e7-9aa6-a7b6360a94f9.html](http://www.themonitor.com/news/local/article_826e7d1c-2a26-11e7-9aa6-a7b6360a94f9.html)

To follow the status of the bill:

<http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=85R&Bill=HB3425>

## ELECTION ADMINISTRATION

**NORTH CAROLINA:** Republican lawmakers voted to override Democratic Gov. Roy Cooper's veto of a bill that reduces his authority over state elections. The House completed the override on April 25, a day after the Senate cast a similar vote that exceeded the three-fifths majorities required to enact the law despite Cooper's objections. The measure creates a combined state elections and ethics board with equal numbers of Democrats and Republicans. Local elections boards also would be evenly divided as well. North Carolina law has given the sitting governor's party a majority of elections board seats for more than a century. GOP leaders say the measure is designed to promote bipartisan cooperation in administering elections. "This bill provides a good pathway forward ... (so) each and every person can fully participate in the election process and exercise their constitutional right to vote," Rep. David Lewis, R-Harnett, the new law's chief proponent, said before the House's 75-44 override vote.

<https://apnews.com/f44a4270830f48239435fadbfdf174b>

The bill can be found at this link: <http://ncleg.net/Sessions/2017/Bills/Senate/PDF/S68v5.pdf>

**From:** Robert Knight <robert.knight@theacru.org>  
**Sent:** Friday, June 16, 2017 12:12 PM EDT  
**To:** robertknight4@gmail.com <robertknight4@gmail.com>  
**Subject:** ACRU Voting Integrity Institute Legislative Activity Update for June 16 2017

Ranked choice voting is moving ahead in a couple of states, but it still faces hurdles. Read about this and more in this week's ACRU Voting Integrity Institute Election Activity Update.

#### **RANKED CHOICE VOTING**

MAINE: A committee of lawmakers was sharply divided on the election system that voters approved in November and the state's top court recently ruled unconstitutional.

UTAH: Earlier this year, Ranked Choice Voting (RCV) easily passed the Utah House of Representatives, but was defeated in the Senate.

#### **EARLY VOTING**

NEW YORK: Gov. Andrew Cuomo has called for early voting and allowing voters to register on Election Day. However, the legislation faces an uphill climb in the Republican-controlled Senate.

PENNSYLVANIA: Sen. Wayne Fontana's legislation (Senate Bill 440) would allow early voting.

#### **REGISTRATION**

NEW HAMPSHIRE: A bill that would substantially change New Hampshire's voter registration and verification process is on its way to Gov. Chris Sununu for his anticipated signature.

#### **AUTOMATIC VOTER REGISTRATION**

MASSACHUSETTS: Common Cause is pushing for a bill to create a system that automatically updates a voter's registration information whenever that voter alerts one of several state agencies of a change of address or other changes related to their voter information.

PENNSYLVANIA: Senate Bill 608 would change the voter registration process in Pennsylvania from an "opt-in" system to an "opt-out" system.

#### **VOTE BY MAIL**

PENNSYLVANIA: A bill introduced by state Rep. Rob Matzie (D) would authorize no-excuse vote by mail in Pennsylvania.

#### **STRAIGHT-PARTY VOTING**

TEXAS: Gov. Greg Abbott signed a bill eliminating one-punch voting, to be phased in.

#### **ELECTORAL COLLEGE**

TEXAS: Legislators are wrestling with bills to alter the state's Electoral College system.

#### **ELECTION ADMINISTRATION**

OREGON: Senate Bill 802, which gives 16-year-olds the ability to pre-register to vote, passed the Oregon House 37-12 and now heads to Gov. Kate Brown for her signature.

PENNSYLVANIA: A proposed law would allow gubernatorial nominees to choose a running mate for lieutenant governor in future elections.

**From:** Susan Carleson <susan.carleson@theacru.org>

**Sent:** Monday, June 19, 2017 12:41 PM EDT

**Subject:** ACRU Voting Integrity Institute Legislative Activity Update for June 19, 2017

**Attachment(s):** "ACRU VII Legislative Activity Update for June 19 2017pdf.pdf"

Ranked choice voting is moving ahead in a couple of states, but it still faces hurdles. Read about this and more in this week's ACRU's Voting Integrity Institute Election Activity Update.

## **RANKED CHOICE VOTING**

MAINE: A committee of lawmakers was sharply divided on the election system that voters approved in November and the state's top court recently ruled unconstitutional.

UTAH: Earlier this year, Ranked Choice Voting (RCV) easily passed the Utah House of Representatives, but was defeated in the Senate.

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## **STRAIGHT-PARTY VOTING**

TEXAS: Gov. Greg Abbott signed a bill eliminating one-punch voting, to be phased in.

## **ELECTORAL COLLEGE**

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## **ELECTION ADMINISTRATION**

OREGON: Senate Bill 802, which gives 16-year-olds the ability to pre-register to vote, passed the Oregon House 37-12 and now heads to Gov. Kate Brown for her signature.

PENNSYLVANIA: A proposed law would allow gubernatorial nominees to choose a running mate for lieutenant governor in future elections.



June 19, 2017

## Legislative Activity

### RANKED CHOICE VOTING

**MAINE:** A committee of lawmakers was sharply divided on the election system that voters approved in November and the state's top court recently ruled unconstitutional. The voting followed a recent advisory opinion from Maine's Supreme Judicial Court that found that parts of the law, which was supported by 51 percent of the voters in November 2016, was not in line with the state's constitution. The committee's divisions did not fall strictly along partisan lines, although Republicans do appear to be more in favor of an outright repeal, saying that having two different voting systems for Maine could be both costly and confusing. Sen. Ron Collins, R-Wells, who supported the repeal measure, said there were only 11 places in the U.S., mostly cities, including Portland, that use ranked choice voting. Maine Secretary of State Matthew Dunlap, who oversees statewide elections, said it would cost the state about \$1.5 million to implement the law, but that doesn't include any added expenses that cities and towns might face in changing to the new system.

<http://www.pressherald.com/2017/06/08/rank-choiced-voting-bills-head-to-full-legislature-for-debate/>

**UTAH:** Earlier this year, Ranked Choice Voting (RCV) easily passed the Utah House of Representatives, but was defeated in the Senate.

<http://www.deseretnews.com/article/865681641/Op-ed-Ranked-Choice-Voting-can-help-Utah-elections.html>

### EARLY VOTING

**NEW YORK:** Gov. Andrew Cuomo has called for early voting and allowing voters to register on Election Day. However, the legislation faces an uphill climb in the Republican-controlled Senate, where the GOP has long raised concern about opening the door to voter fraud. Senate Elections Committee Chairman Fred Akshar, R-Colesville, Broome County, has sponsored a bill that would require the use of electronic poll books at polling sites, rather than traditional paper books. That would allow poll workers to have more access to information to assist voters at the poll site.

<http://www.democratandchronicle.com/story/news/politics/albany/2017/06/13/early-voting-ny-reformers-make-last-ditch-push/102821898/>

**PENNSYLVANIA:** Sen. Wayne Fontana's legislation (Senate Bill 440) would allow early voting in Pennsylvania. In the House, Eddie Day Pashinski (D-Luzerne) has similarly filed an early voting bill (House Bill 427).

### REGISTRATION

**NEW HAMPSHIRE:** A bill that would substantially change New Hampshire's voter registration and verification process is on its way to Gov. Chris Sununu for his anticipated signature. The Senate on June 8

concurred with changes made by the House to SB 3, the major election law initiative of the Republican majority in the current session. That sets the stage for Sununu to sign the bill into law, creating tougher requirements for domicile verification and a more aggressive follow-up process. The Senate concurred with House changes to SB 113, creating an electronic poll book pilot program that could lead to digital registration options. The House concurred with Senate changes to HB 552, a bill granting new powers to the Secretary of State to investigate voter identity affidavits and to cross-reference voter registration with other states.

<http://www.unionleader.com/article/20170609/NEWS0621/170609377/-1/mobile?template=mobileart>

## **AUTOMATIC VOTER REGISTRATION**

**MASSACHUSETTS:** Common Cause is pushing for a bill that instructs the state secretary to create a system that automatically updates a voter's registration information whenever that voter alerts one of several state agencies of a change of address or other changes related to their voter information. The agencies include the Department of Housing and Community Development, the Department of Revenue, the Department of Higher Education, and all public institutions of higher education. The bill would also allow a voter to waive those updates if they want. Supporters say that they have 102 co-sponsors, including 80 in the 160-member House and 22 in the 40-member Senate.

<http://boston.cbslocal.com/2017/06/10/massachusetts-lawmakers-consider-automatic-voter-registration/>

**PENNSYLVANIA:** Senator Hughes (D) has authored automatic voter registration legislation (Senate Bill 608), which would change the voter registration process in Pennsylvania from an "opt-in" system to an "opt-out" system. Senator Lisa Boscola (D) has also filed a bill that would allow for Election Day voter registration (Senate Bill 282) and would allow employees time off to vote on Election Day (Senate Bill 284).

<http://www.sj-r.com/news/20170505/illinois-senate-oks-automatic-voter-registration>

## **VOTE BY MAIL**

**PENNSYLVANIA:** A bill was introduced by state Rep. Rob Matzie (D) that would authorize no-excuse vote by mail in Pennsylvania. Under Matzie's House Bill 1546, the Pennsylvania Department of State and county election boards would be directed to create a vote-by-mail system in which voters could make a one-time request for a mail-in ballot and be automatically sent one in subsequent elections.

[http://www.timesonline.com/news/governmentandpolitics/matzie-bill-would-have-state-implement-voting-by-mail/article\\_870ec054-5134-11e7-941d-c37ab509df2b.html](http://www.timesonline.com/news/governmentandpolitics/matzie-bill-would-have-state-implement-voting-by-mail/article_870ec054-5134-11e7-941d-c37ab509df2b.html)

## **STRAIGHT-PARTY VOTING**

**TEXAS:** Texas entered the 85th legislative session as a minority among its peers—one of only 10 states that offered a one-punch voting option on election ballots. The state will leave as part of the majority, however, after Gov. Greg Abbott signed House Bill 25. The bill, by Rep. Ron Simmons, R-Carrollton, will start the process of eliminating straight-ticket voting, but will have no immediate effect before 2020. Starting Sept. 1, the secretary of state will distribute a notice that straight-ticket voting will be eliminated, and then develop a process to follow through on the elimination.

<https://communityimpact.com/austin/at-the-capitol/2017/06/02/straight-ticket-voting-eliminated-texas-wont-go-away-2020/>

## ELECTORAL COLLEGE

**TEXAS:** Late last year, after two Texas electors went rogue, top Republicans rallied around bills to "bind" Texas Electoral College members to the result of the statewide popular vote. Yet no such legislation made it to Gov. Abbott's desk over the course of the legislative session that ended in May. Instead, lawmakers are now seeking to study the issue during the interim. State Rep. John Raney, R-College Station, filed House Bill 543, which would have created a \$5,000 fine for any elector that does not support the winner of the statewide popular vote. In the House Elections Committee, HB 543 received a committee substitute that did away with the fine, instead making any elector ineligible to serve if he or she submits a ballot for someone other than the candidate who received the most votes in the general election in Texas. On April 17, the House elections panel approved the committee substitute on a unanimous vote. However, it never got a vote on the House floor. Three days later, the Senate State Affairs Committee held a hearing on Buckingham's legislation, which still included the fine. It was there that SB 394 encountered opposition from the state Republican Party.

<https://www.texastribune.org/2017/06/09/texas-electoral-college-bills-abbott/>

## ELECTION ADMINISTRATION

**OREGON:** Senate Bill 802, which gives 16-year-olds the ability to pre-register to vote, passed the Oregon House 37-12 and now heads to Gov. Kate Brown for her signature. Under current Oregon law, an otherwise qualified person who is at least 17 years of age may pre-register to vote. Currently, 11 states and the District of Columbia allow 16-year-olds to preregister to vote.

<http://www.ktvz.com/news/legislature-oks-letting-16-year-olds-pre-register-to-vote/539050573>

**PENNSYLVANIA:** Several senators, led by David Argall (R., Berks), announced legislation that would allow Pennsylvania's gubernatorial nominees, like those running for U.S. president, to choose a running mate for lieutenant governor in future elections. If the legislation becomes law, future candidates for governor would be able to select their running mates after winning their party primaries. The legislation has 15 cosponsors, including two Democrats, Argall said, adding that several other states grant gubernatorial candidates the ability to choose running mates. According to the National Lieutenant Governors Association, Pennsylvania is among only 13 states where lieutenant governors are elected during the primary election independently of the governor. They are then yoked together on the general election ballot.

<http://www.philly.com/philly/news/politics/state/should-pa-change-how-lt-governors-are-elected-20170613.html>



**From:** Susan Carleson <susan.carleson@theacru.org>

**Sent:** Wednesday, June 28, 2017 4:45 PM EDT

**Subject:** ACURU Voting Integrity Institute Legislative Activity Update for June 28, 2017

**Attachment(s):** "VII Legislative Update - 6-28-17.pdf"

Voters in Maine had approved ranked choice voting, but legislators are not rubber-stamping it, following a court's ruling against it. Read about this and more in this week's ACURU Voting Integrity Institute Legislative Activity Update.

## **RANKED CHOICE VOTING**

MAINE: The Senate voted 21-13 to repeal the ranked choice voting law that allows voters to rank candidates in order of preference.

MAINE: A 78-68 House vote fell short of the two-thirds majority needed to present voters with a proposed constitutional amendment on a ranked-choice voting process.

## **MAIL OR ABSENTEE BALLOT VOTING**

TEXAS: Gov. Greg Abbott called on two Tarrant lawmakers to lead the way in cracking down on mail-in ballot fraud in Texas.

OHIO: The House approved legislation designed to make Ohio's in-person absentee polls more like those on Election Day.

## **AUTOMATIC VOTER REGISTRATION**

UNITED STATES: Senator Patrick Leahy, D-Vermont, announced legislation that would require states to automatically register eligible citizens to vote when they interact with certain state and federal agencies, unless they decline. The Automatic Voter Registration Act of 2017 would do away with the patchwork of state voting laws.

## **VOTER ID**

ARKANSAS: Legislators have approved rules to implement a new voter-identification law that could go into effect as early as September.

## **STRAIGHT-PARTY VOTING**

TEXAS: The impact of a new law barring straight-ticket voting in future elections is far from certain.

## **VOTING RIGHTS ACT**

UNITED STATES: House Democrats introduced legislation to restore parts of the Voting Rights Act while pledging to make the issue of voting rights a priority if the party wins in 2018.

## **ELECTION ADMINISTRATION**

CALIFORNIA: Commentary: Why California should definitely not lower voting age to 17.

UNITED STATES: House Democrats have proposed legislation that would require all employers to give workers at least two hours of paid leave so they can vote in federal elections.



June 28, 2017

## Legislative Activity

### RANKED CHOICE VOTING

**MAINE:** The Senate on Tuesday took the first step in scuttling a voter-approved state election overhaul before it's implemented. The Senate voted 21-13 to repeal the ranked choice voting law that allows voters to rank candidates in order of preference. The repeal movement follows a Maine Supreme Judicial Court opinion that a key part of the law is likely unconstitutional. While lawmakers are also considering a constitutional amendment, it has yet to achieve the two-thirds support necessary to go to voters for final ratification.

<http://bangordailynews.com/2017/06/27/politics/maine-senate-votes-to-scrap-ranked-choice-election-system/>

**MAINE:** A potential fix to the constitutional concerns raised about Maine's new ranked-choice voting system faltered in the Maine House. The 78-68 House vote fell short of the two-thirds majority needed to present voters with a proposed constitutional amendment on a ranked-choice voting process that fundamentally changes the way Maine voters elect legislators, governors and members of Congress. Lawmakers voted largely along party lines, with Democrats supporting sending the constitutional amendment to voters and Republicans opposing the measure. Although 52 percent of Mainers voted to approve switching to a ranked-choice system last November – making Maine the first state to do so – the Supreme Judicial Court issued a unanimous advisory opinion last month that said the process would violate Maine's Constitution. That has left lawmakers with two major options: either repeal the ranked-choice voting law approved by voters, or give voters a chance to change Maine's Constitution to address the court's concerns.

<http://www.pressherald.com/2017/06/23/constitutional-amendment-to-fix-ranked-choice-voting-falters-in-house/>

### MAIL OR ABSENTEE BALLOT VOTING

**TEXAS:** Gov. Greg Abbott called on two Tarrant lawmakers to lead the way in cracking down on mail-in ballot fraud in Texas. Abbott recently pointed to state Rep. Craig Goldman, R-Fort Worth, and state Sen. Kelly Hancock, R-North Richland Hills, as leaders in this issue once the special session starts July 18. Abbott has pointed to a current investigation of voting irregularities in Dallas.

<http://www.star-telegram.com/news/politics-government/state-politics/politex-blog/article157835704.html>

**OHIO:** With backers saying it will reduce paperwork and ensure fewer mistakes on early ballots and critics saying it will make it harder for eligible resident to vote, the Ohio House approved legislation designed to make Ohio's in-person absentee polls more like those on Election Day. House Bill 41 prompted debate by two candidates for the secretary of state races. Among other provisions, the bill would eliminate a requirement that absentee voters complete identification envelopes to submit their ballots. Those voters would have to provide a driver's license or other allowed identification to confirm their eligibility as Election Day voters do now.

Completed absentee ballots would be scanned for mistakes before being submitted and held for counting later. HB 41 ultimately passed on an unofficial vote of 63-30 and heads to the Ohio Senate for further consideration. <http://www.the-review.com/dix%20statehouse/2017/06/22/rules-change-for-absentee-voting-draws-debate-in-house>

## **AUTOMATIC VOTER REGISTRATION**

**UNITED STATES:** Senator Patrick Leahy, D-Vermont, announced legislation that would require states to automatically register eligible citizens to vote when they interact with certain state and federal agencies, unless they decline. The Automatic Voter Registration Act of 2017 would do away with the patchwork of state voting laws and mandate a proactive approach to voter registration by the government. <http://www.burlingtonfreepress.com/story/news/2017/06/14/leahy-presents-bill-would-require-states-automatically-register-eligible-voters/397488001/>

## **VOTER ID**

**ARKANSAS:** Legislators have approved rules to implement a new voter-identification law that could go into effect as early as September. The state Board of Election Commissioners approved the rules requiring voters to show photo identification before casting ballots. Those without photo ID can sign a sworn statement saying they're registered voters in the state. <http://couriernews.com/bookmark/27437883/article-Arkansas>

## **STRAIGHT-PARTY VOTING**

**TEXAS:** Gov. Greg Abbott recently resolved the future of straight-ticket voting in Texas when he signed a bill to eliminate the option, but the impact of the new law on future elections is far from certain. [http://www.palestineherald.com/news/texas-joins-majority-in-losing-straight-ticket-voting/article\\_450c751e-587f-11e7-ba92-13d58130fea9.html](http://www.palestineherald.com/news/texas-joins-majority-in-losing-straight-ticket-voting/article_450c751e-587f-11e7-ba92-13d58130fea9.html)

## **VOTING RIGHTS ACT**

**UNITED STATES:** House Democrats introduced legislation to restore parts of the Voting Rights Act while pledging to make the issue of voting rights a priority if the party wins in 2018. Under the new act, local and state governments with a history of voter discrimination from the past 25 years would have to obtain federal approval before making changes to voting policies or procedures. These states include: Alabama, Arkansas, Arizona, California, Florida, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, Texas and Virginia. <http://www.nbcnews.com/news/nbcblk/house-democrats-looking-ahead-2018-pledge-prioritize-voting-rights-n775766>

## **ELECTION ADMINISTRATION**

**CALIFORNIA:** Commentary: Why California should definitely not lower voting age to 17. Assemblyman Evan Low, D-Campbell, says we should give 17-year-olds that responsibility and has introduced legislation to lower the voting age in California. California's current voting age is 18, and it should stay that way. Having 17-year-olds vote for something as important as a presidential election could mean thousands of teenagers voting without any knowledge of who and what they are voting for.

<http://www.ktvz.com/news/legislature-oks-letting-16-year-olds-pre-register-to-vote/539050573>

**UNITED STATES:** A group of House Democrats has proposed legislation that would require all employers to give workers at least two hours of paid leave so they can vote in federal elections. The Time Off to Vote Act, from Rep. Matthew Cartwright, D-Pa., is aimed at creating a federal rule to allow time for voting, since 25 states don't require employers to give their workers any time off.

<http://www.washingtonexaminer.com/democrats-to-companies-give-workers-paid-time-off-to-vote/article/2627006>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, April 17, 2017 12:49 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** April 17, 2017 ACUR Election Integrity Bulletin  
**Attachment(s):** "April 17 2017 ACUR Election Integrity Bulletin.pdf"

Here's a summary of the articles in this week's Bulletin.

## FEDERAL

### **Top Tax-Writing Republicans Renew Call for DOJ to Investigate Lois Lerner over IRS Scandal**

Two Republicans in the House are calling on the Department of Justice to reopen its investigation into whether former IRS official Lois Lerner unlawfully targeted conservative organizations applying for tax-exempt status.

### **Eric Dreiband Tapped to Lead DOJ Civil Rights Division**

Attorney General Jeff Sessions recommends Eric Dreiband, a partner at the law firm Jones Day, to succeed Vanita Gupta as head of the Justice Department's civil rights division. Conservatives want to root out "ideological rot" among "career bureaucrats" there.

### **Adams: The Left's Felony Assault on Voting**

In Philadelphia, felons who are ineligible to vote remain on the rolls deliberately, writes J. Christian Adams in The Hill. Pennsylvania does not allow incarcerated felons to vote. Yet election officials regularly send absentee ballots to prisons for misdemeanor convicts.

## STATES

### **Lawmakers across U.S. Move to Include Young People in Voting**

Lawmakers in more than a dozen states are trying to increase voter participation by targeting young people. Their bills are among nearly 500 pieces of legislation around the country this year to make voting easier, according to a March analysis by New York University's Brennan Center for Justice.

### **Florida: In County Election for Sheriff, Voter-Fraud Allegations Cast New Doubt**

The runner-up in the November 2016 election for Putnam County, Florida's sheriff and his attorney argued before a judge on April 12 that winner Gator DeLoach's slim margin of victory — paired with the possibility of voter fraud — cast new doubts on race's results.

### **Illinois: Peru Native Who Voted Illegally in Two U.S. Elections Now Faces Deportation**

Department of Homeland Security spokesperson said Margarita Del Pilar Fitzpatrick "rendered herself deportable when she gave a false claim to U.S. citizenship in 2005 by signing the voter registration form on which she declared herself to be a U.S. citizen."

### **Kansas: Sec State Announces First Conviction of Non-citizen Voter**

Kris Kobach said on April 12 that he has obtained his first conviction of a person who illegally voted in a Kansas election without being a U.S. citizen.

### **Conviction of Illegal Voter 'Tip of the Iceberg'**

Victor David Garcia Bebek pleaded guilty to voter fraud after admitting that he registered to vote in 2011, according to The Kansas City Star. "This is the tip of the iceberg. Few people are willing to take a closer look to see. The reality is that our system and our polls are as porous as our borders."

### **Nevada: Secretary of State Confirms that Non-citizens Voted**

Barbara Cegavske said she's launching a voter fraud probe after discovering evidence that "noncitizens" cast ballots in the 2016 election.

### **Texas: Voter Fraud Worries Overshadow Dallas County Elections**

Less than one month from a May 6 election, allegations of forged mail-in ballots targeting the elderly overshadow the Dallas County, Texas elections. One Dallas pastor, James Armstrong, expressed concerns that elderly residents are being targeted in a possible mail-in voter scheme after some of his church members said they received ballots, only they never applied for them.

## LEGISLATION

(More updates can be found in our periodic ACUR Legislation Reports)

### **Iowa: Voter ID Bill Gets Final OK; Heads to Governor Branstad**

The Iowa Senate gave final approval on April 13 to legislation that will require voters to show government-issued identification at the polls and will reduce the time period for early voting.

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April 17, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### Top Tax-Writing Republicans Renew Call for DOJ to Investigate Lois Lerner over IRS Scandal

Two top tax-writing Republicans in the House are calling on the Department of Justice to reopen its investigation into whether former IRS official Lois Lerner unlawfully targeted conservative organizations applying for tax-exempt status. Ways and Means Committee Chairman Kevin Brady and tax policy subcommittee Chairman Peter Roskam sent a letter to Attorney General Jeff Sessions on April 12, noting the Obama administration refused to review the information the committee gathered in its extensive investigation into the matter. According to the congressmen, there is clear evidence Lerner willfully partook in criminal activity during her tenure as the Exempt Organizations division director, yet former President Barak Obama insisted there was “not a smidgeon of corruption” at the agency.

<http://dailysignal.com/2017/04/13/top-tax-writing-republicans-renew-call-for-doj-to-investigate-lois-lerner-over-irs-scandal/>

### Eric Dreiband Tapped to Lead DOJ Civil Rights Division

Attorney General Jeff Sessions recommends Eric Dreiband, a partner at the law firm Jones Day, to succeed Vanita Gupta as head of the Justice Department's civil rights division. Conservatives want to root out "ideological rot" among "career bureaucrats" there.

<https://thecrimereport.org/2017/04/11/eric-dreiband-tapped-to-lead-doj-civil-rights-division/>

### Washington Labor Lawyer Could Run DOJ Civil Rights Unit

Attorney General Jeff Sessions is recommending the White House nominate Washington labor lawyer Eric Dreiband to lead the Justice Department's civil rights division, according to two NPR sources briefed on the hiring process. Dreiband represents companies at the law firm Jones Day, where his law partners included Donald McGahn, now the White House counsel. Dreiband served as the top lawyer at the Equal Employment Opportunity Commission under President George W. Bush.

<http://www.npr.org/2017/04/10/523301414/washington-labor-lawyer-eric-dreiband-could-run-doj-civil-rights-unit>



## Adams: The Left's Felony Assault on Voting

In Philadelphia, felons who are ineligible to vote remain on the rolls deliberately, writes J. Christian Adams in *The Hill*. Pennsylvania does not allow incarcerated felons to vote. Yet election officials regularly send absentee ballots to prisons for misdemeanor convicts. There is no voter ID in Pennsylvania, and convicted felons remain on the poll books used on Election Day in Philadelphia. The astonishing circumstance in Philadelphia was discovered in a lawsuit brought by the American Civil Rights Union (ACRU) seeking access to public election records. When the ACRU asked for records showing voter rolls maintenance regarding felons who lost their right to vote, Philadelphia election officials just laughed. There were no records because they do nothing about it.

<http://thehill.com/blogs/pundits-blog/campaign/328567-philadelphia-has-a-felon-voter-problem>

### STATES

## Lawmakers across U.S. Move to Include Young People in Voting

Lawmakers in more than a dozen states are trying to increase voter participation by targeting young people. Their bills are among nearly 500 pieces of legislation introduced around the country this year to make voting easier, according to a March analysis by New York University's Brennan Center for Justice. While Republican-leaning states have moved to tighten voting rules — nearly 90 such bills have been introduced — those efforts have been outstripped by the number of bills seeking to expand access to the polls.

[http://hosted2.ap.org/APDEFAULT/89ae8247abe8493fae24405546e9a1aa/Article\\_2017-04-16-US--Voting%20Rights-Expanding%20Access/id-d86754e159c145d7917d6749de91a0d9](http://hosted2.ap.org/APDEFAULT/89ae8247abe8493fae24405546e9a1aa/Article_2017-04-16-US--Voting%20Rights-Expanding%20Access/id-d86754e159c145d7917d6749de91a0d9)

## Florida: In County Election for Sheriff, Voter-Fraud Allegations Cast New Doubt

The runner-up in the November 2016 election for Putnam County, Florida's sheriff and his attorney argued before a judge on April 12 that winner Gator DeLoach's slim margin of victory — paired with the possibility of voter fraud — cast new doubts on race's results. Daniel Nordby, Kinney's attorney, told Fourth Circuit Court Judge Gary L. Wilkinson that further investigation into the case has led to found the discovery that at least 42 people voted illegally. "The number of illegal votes received was sufficient enough to change or place in doubt the results of the election," Nordby said in his opening statements Wednesday's proceedings, which were part of Kinney's civil-case challenge to DeLoach's victory.

[https://www.wuft.org/news/2017/04/13/in-putnam-county-election-for-sheriff-voter-fraud-allegations-cast-new-doubt/#.WPDz4\\_vvXgg.twitter](https://www.wuft.org/news/2017/04/13/in-putnam-county-election-for-sheriff-voter-fraud-allegations-cast-new-doubt/#.WPDz4_vvXgg.twitter)

## Illinois: Peru Native Who Voted Illegally in Two U.S. Elections Now Faces Deportation

Department of Homeland Security spokesperson said Margarita Del Pilar Fitzpatrick "rendered herself deportable when she gave a false claim to U.S. citizenship in 2005 by signing the voter registration form on which she declared herself to be a U.S. citizen."

<http://www.nbcnews.com/nightly-news/peru-native-who-voted-illegally-two-u-s-elections-now-n746721>

## Kansas: Sec State Announces First Conviction of Non-citizen Voter

Kris Kobach said on April 12 that he has obtained his first conviction of a person who illegally voted in a Kansas election without being a U.S. citizen. Kobach, who has advised President Trump on immigration and voter fraud, said that Victor David Garcia Bebek has pleaded guilty to voter fraud. Kobach, a Republican, is the only secretary of state in the country with the authority to prosecute voter fraud. "No matter how many cases we prosecute the political left will always whine that there's not enough cases to justify protecting our elections in this way," Kobach said. "That's absurd."

<http://www.kansascity.com/news/politics-government/article144256424.html#storylink=cpy>

## Conviction of Illegal Voter 'Tip of the Iceberg'

Kansas this week did something that almost never happens: It convicted a non-citizen for voting. Victor David Garcia Bebek pleaded guilty to voter fraud after admitting that he registered to vote in 2011, according to The Kansas City Star. "This is the tip of the iceberg. Few people are willing to take a closer look to see. The reality is that our system and our polls are as porous as our borders." It is the first time that Kansas has successfully prosecuted a non-citizen for voting.

<http://www.lifezette.com/polizette/kansas-conviction-illegal-voter-tip-off-iceberg/>

## Nevada: Secretary of State Confirms that Non-citizens Voted

Barbara Cegavske said she's launching a voter fraud probe after discovering evidence that "non-citizens" cast ballots in the 2016 election. Cegavske's office didn't immediately answer additional questions about the alleged illegal votes, including how many were cast, where, whether arrests have been made, and why the existing system for verifying voters' eligibility apparently did not catch unqualified registrations. "Although we are in the nascent stages of the investigation, we have confirmed there were illegal non-citizen votes cast in the 2016 general election," Cegavske, a Republican, said in a statement on April 14. "We also have confirmed instances of ineligible voters who did not vote being on the voter rolls. As I have pledged to all Nevadans, I will be vigilant in ensuring the integrity of the election process."

<https://thenevadaindependent.com/article/nevada-secretary-state-says-shes-confirmed-noncitizens-cast-ballots>

## Texas: Voter Fraud Worries Overshadow Dallas County Elections

Less than one month from a May 6 election, allegations of forged mail-in ballots targeting the elderly overshadow the Dallas County, Texas elections. One Dallas pastor, James Armstrong, expressed concerns that elderly residents are being targeted in a possible mail-in voter scheme after some of his church members said they received ballots, only they never applied for them. Armstrong, the senior pastor of the west Dallas Community Fellowship Church, said at least 10 church members, all senior citizen voters, filed complaints with the Dallas County Elections office after receiving these unsolicited mail-in ballots, according to The Dallas Morning News.

<http://www.breitbart.com/texas/2017/04/12/voter-fraud-worries-overshadow-dallas-county-elections/>

## LEGISLATION

(More updates can be found in our periodic ACRU Legislation Reports)

## Iowa: Voter ID Bill Gets Final OK; Heads to Governor Branstad

The Iowa Senate gave final approval on April 13 to legislation that will require voters to show government-issued identification at the polls and will reduce the time period for early voting. House File 516 passed on a 28-21 vote with Republicans casting all the yes votes. Democrats and one independent all voted no. The bill now heads to Gov. Terry Branstad, who is expected to sign it.

<http://www.desmoinesregister.com/story/news/politics/2017/04/13/contentious-voter-id-bill-gets-final-ok-heads-branstad/100416752/>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Tuesday, April 18, 2017 2:04 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** April 18, 2017 Voting Integrity Institute Legislative Report  
**Attachment(s):** "April 18 2017 VII Legislative Report.pdf"

The highlight of week's report is that the Republican-controlled Iowa legislature has passed a bill to require identification at the polls and reduce the number of early voting days.

This week's report also includes legislative activity in Florida, Georgia, Indiana, North Carolina and North Dakota.

Thank you for working to keep our elections fair and honest!

Best regards,  
Susan

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April 18, 2017

## Legislative Activity

### VOTER ID

**IOWA:** The Republican-controlled Iowa Legislature has passed a bill that will require identification at the polls and reduce the number of early voting days. The Senate approved the bill 28-21 Thursday. The House approved it earlier this month. It now heads to Republican Gov. Terry Branstad, who has indicated he supports requiring ID to vote. The legislation would require people to show acceptable identification at the polls. The Secretary of State will provide identification to people who register to vote but do not request or need a driver's license or state ID from the Department of Motor Vehicles. Another provision will reduce early voting before a general election from 40 days to 29 days. It also eliminates a straight party voting option. The bill requires that absentee ballot requests include the registered voter's voter verification number (driver's license or state ID number), and implements electronic poll books statewide. Gov. Branstad is expected to sign the bill sometime next week. Changes would not take effect until 2019.

<http://wqad.com/2017/04/13/iowa-passes-bill-requiring-voter-id-heads-to-governor/>

To follow the status of the bill:

<https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF516>

More explanation and analysis:

<https://www.legis.iowa.gov/docs/publications/FN/855805.pdf>

**NORTH DAKOTA:** HB 1369 Voter ID bill, eliminating affidavit option; Section 2 provides the ID requirements to prove eligibility of voters. Section 3 strengthens the residency requirements for voting. Section 5 requires the North Dakota Department of Transportation (NDDOT) to provide the citizenship status of individuals to the Secretary of State. A review of Sections 10, 11, and 12 further directs the NDDOT to issue driver's licenses and nondriver's ID cards to noncitizens in a manner that makes them distinguishable from those given citizens. This provision enables poll workers will be able to tell if the individual appearing to vote is a citizen or not before ever giving them a ballot. <http://www.legis.nd.gov/assembly/65-2017/documents/17-0750-05000.pdf>

Under a proposed law, voters who show up unprepared will be allowed to sign an affidavit, then vote with a set-aside ballot. The ballot would be counted only if that voter showed proper ID to an election official within six days. "It's going to give everybody an opportunity to vote now. The absentee ballot will work better. It'll work better with the election and the voter's process," said Sen. Richard Marcellais, D-Belcourt. Marcellais is a member of the Turtle Mountain Band of Chippewa, members of which sued the state to allow for the current affidavit system. Rep. Pam Anderson, D-Fargo, voted to send the bill to the Senate out of conference committee, but said it may not stand up to a similar court challenge.

<http://www.valleynewslive.com/content/news/ND-Lawmakers-approaching-changes-to-voter-ID-law-419514073.html>

**Status:** On April 17, the North Dakota House Conference Committee adopted the report and it went to the North Dakota Senate for review. The adopted language appears to have gained some bipartisan support.

To follow the status of the bill:

<http://www.legis.nd.gov/assembly/65-2017/bill-actions/ba1369.html>

## **AUTOMATIC VOTER REGISTRATION**

**INDIANA:** The automatic voter registration bill was watered down to only a slight revision to the voter registration process at the Bureau of Motor Vehicles. A measure sponsored by state Rep. Clyde Kersey aimed at improving voter turnout cleared the Indiana House on Wednesday and now awaits the signature of Gov. Eric Holcomb. House members concurred with Senate changes to House Bill 1178. The measure is the only piece of election reform that appears likely to pass this session, according to Kersey, D-Terre Haute. House Bill 1178 requires Bureau of Motor Vehicles employees to ask each person conducting business at the local license branch if they would like to register to vote. If the answer is yes, the employee must provide the forms to register, then additional information on how to file the paperwork with the county voter registration office. [http://www.tribstar.com/news/local\\_news/voter-registration-bill-sent-to-governor-s-desk/article\\_ffd61599-ddd8-58f8-b422-012d81ce3383.html](http://www.tribstar.com/news/local_news/voter-registration-bill-sent-to-governor-s-desk/article_ffd61599-ddd8-58f8-b422-012d81ce3383.html)

To follow the status of the bill:

<https://iga.in.gov/legislative/2017/bills/house/1178>

## **ELECTION ADMINISTRATION**

**NORTH CAROLINA:** State legislative leaders and Democrat Gov. Roy Cooper are likely headed for another veto fight, this time over a measure that would reconfigure the state's oversight of elections, ethics and lobbying. Lawmakers sent the bill to Cooper's desk last Tuesday. In December 2016 during a special session, state lawmakers approved a proposal to do away with the existing State Board of Elections and replace it with the state's ethics board, half appointed by the governor and the other half appointed by state lawmakers. That law also gave Republicans control of all local elections boards in each election year. Cooper sued to block the law, saying it violated the separation of powers in the state constitution, and a three-judge panel agreed last month. Senate Bill 68 is an attempt to revive some of that enjoined law, crafted to avoid the constitutional pitfalls that plagued the first version.

It would still put what's now the State Ethics Commission in charge of elections, campaign finance and lobbying regulation. The governor would appoint all eight members of the new board – four from each party – although he or she would be limited to nominations submitted by the parties. He or she would also have the authority to remove any board member who misses more than two consecutive meetings. "We believe that combining these functions under one board is the better way to go forward in trying to administer elections, campaign finance, lobbying and ethics," said House sponsor Rep. David Lewis, R-Harnett. Senate Bill 68, like the earlier law, increases the size of county boards of elections from three to four members, two from each party, which critics warn will be a recipe for "deadlock and dysfunction." But supporters of the measure say tied votes can be resolved by the state board with a simple majority vote of five members.



Lewis said having equal party representation on local and state elections boards will increase public confidence that their elections are being run in a bipartisan manner. The final version of the proposal passed the House 72-42 with little debate on April 11, and quickly moved to the Senate.

<http://www.wral.com/veto-fight-ahead-over-elections-board-rewrite/16638956/>

To follow the status of the bill:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2017&BillID=S68&submitButton=Go>

## VOTER REGISTRATION

**GEORGIA:** Georgians could continue to use federal tribal identification cards as proof of citizenship but would face a 26-month deadline to correct any discrepancies on their voter registration forms under a bill sent to Republican Gov. Nathan Deal for his signature. House Bill 268, sponsored by state Rep. Barry Fleming, R-Harlem, is generally considered a cleanup of the state's election code but has drawn the ire of some voter advocacy groups. They want Deal to veto the measure because they claim it violates the spirit of a recent legal settlement over how Georgia verifies voter registration information.

<http://www.ajc.com/news/state--regional-govt--politics/elections-bill-with-month-voter-verification-deadline-sent-deal/0INf96l6yuQJwCP5tQ7szM/>

To follow the status of the bill:

<http://www.legis.ga.gov/legislation/en-US/Display/20172018/HB/268>

**FLORIDA:** SB 1070 and SB 1072 legislation allowing interstate data-sharing, sponsored by Republican Senator Travis Hutson, passed out of committee; similar legislation, HB 707, is sponsored by Republican state Rep. Ross Spano.

To follow the status of the bill: <https://www.flsenate.gov/Session/Bill/2017/01070>  
and <https://www.flsenate.gov/Session/Bill/2017/01072>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, April 24, 2017 12:53 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** April 24, 2017 ACRU Election Integrity Bulletin  
**Attachment(s):** "April 24 2017 Election Integrity Bulletin.pdf"

This Friday (April 28), the Third Circuit U.S. Court of Appeals will hear *American Civil Rights Union v. Philadelphia City Commissioners* to decide whether ineligible felons can remain on the books. Read about this and more in today's attached Bulletin.

## FEDERAL

### **11 States Warned to Clean Voter Registration Lists or Face Federal Lawsuit**

Judicial Watch announced it has sent notice-of-violation letters threatening to sue 11 states having counties in which the number of registered voters exceeds the number of voting-age citizens.

### **National Leftwing Lawyers Group Files Voting Rights Suit before Crucial Georgia Run-off Election**

The Lawyers Committee for Civil Rights filed a suit on behalf of several leftwing groups that could affect the June runoff between Democrat Jon Ossoff and Republican Karen Handel, who are running to replace former Republican Rep. Tom Price, who joined the Trump administration.

## STATES

### **Columnist: For Philly's Voter Fraud Reputation, More Poll Watchers May Be the Cure**

Maybe you've heard: Philadelphia has a reputation for voter fraud. That reputation grows stronger the farther away from Philadelphia you travel and the less you know about the recent history of in-person voter fraud here.

### **Indiana Prepares For Future Elections by Cleaning Up Its Voter Roll**

Indiana Secretary of State Connie Lawson asked the General Assembly to fund a comprehensive statewide voter list maintenance program.

### **Indiana Cancels Nearly Half a Million Voter Registrations**

Nearly half a million individuals have been deleted from Indiana's list of registered voters since the November 8, 2016, general election.

### **Nebraska: Sec. State Candidate Says Stopping Vote Fraud Would Be Focus**

Lincoln attorney Bob Evnen announced his candidacy Monday.

### **Nevada Launches Fraud Probe after Non-citizen Voters Discovered**

Barbara Cegavske, Nevada's secretary of state, has launched a fraud probe.

### **North Carolina: Audit of 2016 Election Reveals Voter Fraud Problem**

According to an audit released on Friday by the State Board of Elections, there were over 500 votes that they found which were cast illegally. Another 24 ballots were believed to have been cast by individuals who voted multiple times.

### **Texas: Dallas Democrats Fret over Threat of 'Voter Fraud'**

Two prominent north Texas Democrats are sounding the alarm on the threat of a politically-uncommon concern: voter fraud.

### **Wisconsin: Onalaska felon fined for illegal voting in 2016 elections**

Mark Fischer, 59, was on probation for a felony drunken driving offense when he voted in the presidential primary and general election because he "felt that this election was important."

## REDISTRICTING

### **Wisconsin: Dems Could Win in Supreme Court Case on Gerrymandering**

The U.S. Supreme Court will rule on a court case alleging partisan gerrymandering in the Badger State before the 2018 election in what could be a significant victory for Democrats.

### **Texas: Supreme Court May Hear Case after Federal Panel Finds 'Intentional' Discrimination**

The U.S. Supreme Court is likely to hear the Texas redistricting case in which a three-judge federal panel ruled against the state in a 2-1 decision.

## LEGISLATION

### **Nebraska: Bill Advances to Make Electoral College Votes Winner-Take-All**

The Legislature's Government, Military and Veterans Affairs Committee voted last Tuesday to advance Legislative Bill 25 to the floor.

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April 24, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### 11 States Warned to Clean Voter Registration Lists or Face Federal Lawsuit

Judicial Watch announced it has sent notice-of-violation letters threatening to sue 11 states having counties in which the number of registered voters exceeds the number of voting-age citizens, as calculated by the U.S. Census Bureau's 2011-2015 American Community Survey. The 11 states are: Alabama, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, New Jersey, New York, North Carolina and Tennessee. Judicial Watch informed the states that should they fail to take action to correct violations of Section 8 of the NVRA, it would file suit.

<http://www.judicialwatch.org/press-room/press-releases/judicial-watch-warns-11-states-clean-voter-registration-lists-face-federal-lawsuit/>

### National Leftwing Lawyers Group Files Voting Rights Suit before Crucial Georgia Run-off Election

The Lawyers Committee for Civil Rights filed a suit on behalf of several leftwing groups that could affect the June runoff between Democrat Jon Ossoff and Republican Karen Handel, who are running to replace former Republican Rep. Tom Price, who joined the Trump administration. The lawsuit alleges that a Georgia law prohibiting voters who weren't registered in time for the special election from voting in the runoff violates federal voting law.

<http://www.cnn.com/2017/04/20/politics/voting-rights-suit-georgia/>

## STATES

### Pennsylvania: Hearing Slated on ACRU Case in Philadelphia

This Friday (April 28), the Third Circuit U.S. Court of Appeals will hear *American Civil Rights Union v. Philadelphia City Commissioners* to decide whether ineligible felons can remain on the books, notes ACRU Senior Fellow Robert Knight in a Washington Times column. "The ACRU will argue that the National Voter Registration Act requires that only eligible voters should appear on the official voter lists.

“An American Civil Rights Union lawsuit in 2016 forced Philadelphia election officials to open registration records, revealing not only that thousands of felons and non-citizens were on the rolls but that election officials refused to do anything about it.

“It’s illegal in Pennsylvania for felons to vote, but the felons remain on the rolls and were included in poll books used on Election Day. There is no voter ID required in the Keystone state so nothing prevents incarcerated felons from getting absentee ballots or arranging for someone to vote in their name.” The column also takes Virginia Gov. Terry McAuliffe to task for vetoing several election integrity bills.

<http://www.washingtontimes.com/news/2017/apr/23/voter-fraud-oughta-be-a-crime/>

## **Columnist: For Philly's Voter Fraud Reputation, More Poll Watchers May Be the Cure**

Maybe you’ve heard: Philadelphia has a reputation for voter fraud. That reputation grows stronger the farther away from Philadelphia you travel and the less you know about the recent history of in-person voter fraud here. Maybe you’ve also heard: Candidates and political parties can appoint “poll watchers” to observe and report any suspected Election Day voter fraud. Despite the reputation, volunteers are not exactly clamoring to serve as poll watchers in the city. It’s easier to talk up the rumor about voter fraud than to step up and look for it. State Rep. Rick Saccone, an Allegheny County Republican, is again pushing a change to the state Election Code section that requires poll watchers to be registered voters in the county where they serve. He wants voters to be able to serve in any county in Pennsylvania. The House’s State Government Committee approved the measure Wednesday in a strict party-line vote — 16 Republicans in favor, nine Democrats opposed.

[http://www.philly.com/philly/columnists/chris\\_brennan/For-Phillys-voter-fraud-reputation-more-poll-watchers-may-be-the-cure.html](http://www.philly.com/philly/columnists/chris_brennan/For-Phillys-voter-fraud-reputation-more-poll-watchers-may-be-the-cure.html)

## **Indiana Prepares For Future Elections by Cleaning Up Its Voter Roll (Press Release)**

In 2014, Indiana began its latest effort to keep the voter registration lists accurate. While removing inaccurate voter list information is required by federal law, this work was formerly done almost entirely at the county level and not all county voter registration offices had the funding to do it regularly. Indiana Secretary of State Connie Lawson asked the General Assembly to fund a comprehensive statewide voter list maintenance program.

<http://www.wbiw.com/state/archive/2017/04/indiana-prepares-for-future-elections-by-cleaning-up-its-voter-roll.php>

## **Indiana Cancels Nearly Half a Million Voter Registrations**

Nearly half a million individuals have been deleted from Indiana’s list of registered voters since the November 8, 2016, general election. Republican Secretary of State Connie Lawson said that it is part of an ongoing effort to clean up the state’s voter records after she determined her predecessors

largely ignored the time consuming task: “I made it a priority to ensure our state’s list was accurate and that we followed federal law.” Across Indiana, 481,231 registered voters were purged, or about 10% of the state total. The process began in 2014 when Larson mailed a postcard to every registered voter.

[http://www.nwitimes.com/news/state-and-regional/indiana/indiana-purges-k-inactive-voter-registrations-from-rolls/article\\_d93a994d-e101-564b-bb50-198ef374bfe5.html](http://www.nwitimes.com/news/state-and-regional/indiana/indiana-purges-k-inactive-voter-registrations-from-rolls/article_d93a994d-e101-564b-bb50-198ef374bfe5.html)

## Nebraska: Sec. State Candidate Says Stopping Vote Fraud Would Be Focus

The man who wants to be the next Secretary of State says Nebraska can do more to stop vote fraud. Lincoln attorney Bob Evnen announced his candidacy Monday.

<http://nebraska.tv/news/local-politics/evnen-says-stopping-voter-fraud-would-be-focus-as-secretary-of-state>

## Nevada Launches Fraud Probe after Non-citizen Voters Discovered

Barbara Cegavske, Nevada's secretary of state, has launched a fraud probe after a pipeline of non-citizen voters was discovered. The Associated Press first reported on the investigation that was announced in a letter sent by Cegavske to Terri Albertson, the state director of the Department of Motor Vehicles. Cegavske said in the letter that DMV employees offered and accepted voter registrations from people seeking identification cards and driver's licenses. The workers allegedly did this even if the individual presented a Green Card showing that they were not U.S. Citizens.

<http://freebeacon.com/politics/nevada-launches-fraud-probe-noncitizen-voters-discovered/>

## North Carolina: Audit of 2016 Election Reveals Voter Fraud Problem

According to an audit released on Friday by the State Board of Elections, there were over 500 votes that they found which were cast illegally. Most of the 508 voters were active felons at the time of the election and only made up a small percentage of the total 4.8 million ballots cast. Another 24 ballots were believed to have been cast by individuals who voted multiple times.

<http://www.redstate.com/sweetie15/2017/04/22/vindication-audit-2016-election-nc-reveals-voter-fraud-problem/>

## Texas: Dallas Democrats Fret over Threat of ‘Voter Fraud’

Two prominent north Texas Democrats are sounding the alarm on the threat of a politically-uncommon concern: voter fraud. Dallas Mayor Mike Rawlings (D) and State Representative Eric Johnson (D-HD 100) submitted a letter Thursday to Dallas County Elections Administrator Toni Pippins-Poole after public concerns continued to mount about scores of reports involving a potential absentee voter fraud scheme. “According to reports, dozens of voters received mail-in ballots they



never requested,” the letter states, which “suggests the possibility of a coordinated effort to benefit a candidate or candidates in the upcoming Dallas City Council elections.”

<http://www.breitbart.com/texas/2017/04/21/dallas-democrats-fret-threat-voter-fraud/>

## Wisconsin: Onalaska felon fined for illegal voting in 2016 elections

Mark Fischer, 59, was on probation for a felony drunken driving offense when he voted in the presidential primary and general election because he “felt that this election was important,” according to the complaint filed in La Crosse County Circuit Court. At the time, he was serving three years on probation for a fifth- or sixth-offense operating while intoxicated conviction in Buffalo County. He told investigators he knew he was ineligible but voted April 5 in Onalaska and Oct. 31 in the town of Onalaska, the complaint stated.

[http://lacrossetribune.com/couleenews/news/local/onalaska-felon-fined-for-illegal-voting-in-elections/article\\_cad3cc7f-507d-561d-a2a6-05ae2fb492c0.html](http://lacrossetribune.com/couleenews/news/local/onalaska-felon-fined-for-illegal-voting-in-elections/article_cad3cc7f-507d-561d-a2a6-05ae2fb492c0.html)

## REDISTRICTING

### Wisconsin: Dems Could Win in Supreme Court Case on Gerrymandering

The U.S. Supreme Court will rule on a court case alleging partisan gerrymandering in the Badger State before the 2012 election in what could be a significant victory for Democrats.

<http://www.newsmax.com/US/democrats-supreme-court-wisconsin-gerrymandering/2017/04/21/id/785635/>

### Texas: Supreme Court May Hear Case after Federal Panel Finds 'Intentional' Discrimination

The U.S. Supreme Court is likely to hear the Texas redistricting case in which a three-judge federal panel ruled against the state in a 2-1 decision. In a statement, Attorney General Ken Paxton said the ruling was moot because the current map drawn in 2013 is a compromise following a court challenge at the time. But Vera said it was a temporary fix after the Supreme Court sent back the 2011 map.

<http://www.ksat.com/news/us-supreme-court-likely-to-hear-texas-redistricting-case>

## LEGISLATION

### Nebraska: Bill Advances to Make Electoral College Votes Winner-Take-All

Nebraska lawmakers may soon debate a familiar effort to return the state to a winner-take-all system for awarding presidential electors. The Legislature’s Government, Military and Veterans Affairs

Committee voted last Tuesday to advance Legislative Bill 25 to the floor. Republican state Sen. John Murante of Gretna, the bill's sponsor, said he will attempt to attach the proposal to another bill so it can still be debated in the waning weeks of the legislative session. Republican members of the officially nonpartisan Legislature have tried repeatedly to end Nebraska's system of splitting its three Electoral College votes based upon the winner in each congressional district. Votes on the issue have largely fallen along party lines, with primarily Democrats voting against. Last year, supporters of a similar bill fell one vote short of the 33 votes needed to break a filibuster and advance the bill. This year, 18 senators are serving their first terms and have never voted on the issue.

[http://www.omaha.com/news/legislature/bill-to-make-nebraska-s-electoral-college-votes-winner-take/article\\_3f311cb0-2474-11e7-8c5e-2bbe9676ed9c.html](http://www.omaha.com/news/legislature/bill-to-make-nebraska-s-electoral-college-votes-winner-take/article_3f311cb0-2474-11e7-8c5e-2bbe9676ed9c.html)

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, May 22, 2017 11:48 AM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** CORRECTED --- ACUR Election Integrity Legislative Update for May 22, 2017  
**Attachment(s):** "May 22 2017 ACUR Legislative Activity Update.pdf"

The Granite State is taking aim at preventing out-of-staters from voting. Read about this and other legislative news in this week's Legislative Activity Update.

#### **VOTER ID**

**NEW HAMPSHIRE:** A bill requiring proof of residency gets one step closer to Governor Sununu.

**OHIO:** Representative Greenspan sponsored HB 222 that amends the voter ID law to specify that a concealed handgun license would qualify as photo identification for voting purposes.

#### **FELON VOTING**

**ALABAMA:** HB232, the Felony Voter Disqualification Act sponsored by Representative Jones, would establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote.

#### **AUTOMATIC VOTER REGISTRATION**

**ILLINOIS:** The House is expected to amend an automatic voter registration bill to address election board concerns.

**ILLINOIS:** The Senate approved automatic voter registration.

#### **ABSENTEE MAIL BALLOTS**

**WASHINGTON:** Sponsored by Republican Sen. Kirk Pearson the bill requires at least one ballot drop box for every 15,000 registered voters.

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#### **STRAIGHT-PARTY VOTING**

**TEXAS:** The Senate gave initial approval to legislation that would eliminate straight-ticket voting in all elections.

#### **RANKED CHOICE VOTING**

**UTAH:** Legislators and county clerks wrestled over whether to pursue "ranked-choice voting," sometimes called instant runoff voting, to help ensure that election winners are actually supported by a majority of voters.

-

#### **ELECTION ADMINISTRATION**

**WASHINGTON D.C.:** The District will spend \$3 million to remove ineligible names, including those of dead people, from voter rolls.

Virus-free. [www.avast.com](http://www.avast.com)



May 22, 2017

## Legislative Activity

### VOTER ID

**NEW HAMPSHIRE:** The House of Representatives Election Law Committee voted to pass SB 3. Proponents say the bill clarifies the definition of domicile for voting purposes to protect election integrity in New Hampshire. The bill mandates that anyone who registers to vote either prior to or on Election Day itself present definitive proof that they reside in the Granite State. People who fail to provide such identification could still vote, but would be required to read and sign a form, and then provide proof of domicile to city and town clerks within 10 days of voting, or 30 days for towns where offices are only open once a week

<http://www.nh1.com/news/nh-house-committee-recommends-passage-of-bill-requiring-stricter-voter-identification/#.WRzIpNEYnUo.twitter>

**NEW HAMPSHIRE:** A bill requiring proof of residency gets one step closer to Governor Sununu. People who show up to the polls to register and don't have a utility bill, a lease, a car registration or other documentation could still vote. But they have to sign a form pledging to return with a required form of proof. Should a voter not return within 30 days, election officials have authority to investigate suspected fraud.

<http://www.concordmonitor.com/sb-3-clears-key-house-committee-in-partisan-vote-10062075>

**OHIO:** Representative Greenspan sponsored HB 222 that amends the voter ID law to specify that a concealed handgun license would qualify as photo identification for voting purposes.

<http://www.cqstatetrack.com/texis/redir?id=591cf21554a>

### FELON VOTING

**ALABAMA:** HB232, the Felony Voter Disqualification Act sponsored by Representative Jones, would establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote.

<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2017RS/PrintFiles/HB282-enr.pdf>

### AUTOMATIC VOTER REGISTRATION

**ILLINOIS:** The House is expected to amend an automatic voter registration bill to address elections board concerns. A similar measure passed onto the governor's desk last year but was vetoed, with Gov. Bruce Rauner offering up suggestions to make it comply with federal law and to combat potential voter fraud. The new bill addresses some of the suggestions but there are still concerns from the Illinois State Board of Elections.

[https://www.ilnews.org/news/state\\_politics/illinois-house-expected-to-amend-automatic-voter-registration-bill-to/article\\_9e2ae770-3403-11e7-a30e-d71f95ff1010.html](https://www.ilnews.org/news/state_politics/illinois-house-expected-to-amend-automatic-voter-registration-bill-to/article_9e2ae770-3403-11e7-a30e-d71f95ff1010.html)

**ILLINOIS:** The Senate approved automatic voter registration. Sen. Andy Manar, the bill's main sponsor, said one of the changes made to the new bill was addressing the Secretary of State's concerns regarding implementation of the federal 2005 Real ID Act, ensuring that the state will know if a citizen is qualified for automatic voting registration. The Act has tougher requirements for proof of legal U.S. residency in order for a citizen's driver's license to be valid. The Secretary of State believes Illinois will be Real ID-compliant by 2018. <http://www.sj-r.com/news/20170505/illinois-senate-oks-automatic-voter-registration>

## ABSENTEE MAIL BALLOTS

**WASHINGTON:** The law, sponsored by Republican Sen. Kirk Pearson, of Monroe, requires at least one ballot drop box for every 15,000 registered voters in a county with a minimum of one box in each city, town, and census-designated place with a post office. Gov. Jay Inslee signed it and it takes effect July 23. From the outset, Pearson said the intent of the bill is to make it easier for people in rural areas to vote by ensuring they didn't need to travel extended distances to find a drop box. Another reason is Pearson dislikes the all-mail ballot system and the requirement for a stamp to mail ballots. "We should be making it easier for the citizens of Washington State to vote, not harder," Pearson has said. "It's only fair that every citizen should have an opportunity to drop their ballot off rather than mail it in." <https://www.heraldnet.com/news/new-law-to-incite-proliferation-of-ballot-drop-boxes/>

## STRAIGHT-PARTY VOTING

**TEXAS:** The Senate gave initial approval to legislation that would eliminate straight-ticket voting in all elections. By a vote of 20-10, senators passed House Bill 25 over objections from Democrats who warned of unintended consequences. The legislation's backers argue it shows that every race matters and would bring Texas in line with at least 40 other states that do not allow straight-ticket voting, the option for voters to automatically cast their ballot for every candidate from a single party. Straight-ticket ballots made up nearly 64 percent of total votes cast in the state's 10 largest counties in 2016. [https://www.texastribune.org/2017/05/17/texas-senate-tentatively-approves-straight-ticket-voting-ban/?utm\\_campaign=trib-social-buttons&utm\\_source=twitter&utm\\_medium=social](https://www.texastribune.org/2017/05/17/texas-senate-tentatively-approves-straight-ticket-voting-ban/?utm_campaign=trib-social-buttons&utm_source=twitter&utm_medium=social)

## RANKED CHOICE VOTING

**UTAH:** Legislators and county clerks wrestled over whether to pursue "ranked-choice voting," sometimes called instant runoff voting, to help ensure that election winners are actually supported by a majority of voters. In such a system, voters rank their first, second, third, etc. choices. If no one achieves a majority initially, the lowest-vote-receiving candidate would be eliminated. Supporters of that eliminated candidate would have votes shifted to their second choice. The process would repeat until someone wins a majority. <http://www.sltrib.com/home/5301655-155/legislators-county-clerks-tussle-over-ranked-choice#sthash.WL6KdY32.uxfs>

## ELECTION ADMINISTRATION

**Washington D.C:** The District will spend \$3 million to remove ineligible names, including those of dead people, from voter rolls. [https://www.washingtonpost.com/local/dc-politics/dc-to-spend-3-million-to-get-names-of-dead-people-other-errors-off-city-voter-rolls/2017/05/16/f80145f2-3a5f-11e7-a058-ddbb23c75d82\\_story.html?utm\\_term=.3d6840a2e517](https://www.washingtonpost.com/local/dc-politics/dc-to-spend-3-million-to-get-names-of-dead-people-other-errors-off-city-voter-rolls/2017/05/16/f80145f2-3a5f-11e7-a058-ddbb23c75d82_story.html?utm_term=.3d6840a2e517)

**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, December 18, 2018 10:00 AM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Experts Say No Campaign Finance Violations by Trump; North Carolina Gov. Vetoes New Voter ID Bill; Virginia asks Supreme Court To Review Redistricting Case

EMAIL RECEIVED FROM EXTERNAL SOURCE

Experts say there were [no campaign finance violations made by Trump](#). [North Carolina Governor Cooper vetoes new voter ID bill](#) and General Assembly prepares to override the veto. Virginia asks the Supreme Court to [review redistricting case](#) before 2020. Rep. Lamar Smith of Texas warns Republicans that [Google will have dramatic impact on elections](#). Read all about it in [this week's EIB](#).

LEAD

**Daily Signal: Trump's Ex-Lawyer Didn't Violate Campaign Finance Laws, and Neither Did the President**

President Donald Trump's former attorney, Michael Cohen, may have been convinced by the Office of the U.S. Attorney for the Southern District of New York to plead guilty to a supposed violation of campaign finance law, but that doesn't mean that what happened is actually a federal crime. In fact, neither the Federal Election Commission—which is the independent agency tasked with enforcing the Federal Election Campaign Act—nor its former commissioners would likely agree with the overaggressive view that the Southern District is taking. Indeed, the Southern District's aggressive stance on this issue might have violated the Justice Department's own policy.

FEDERAL

**Breitbart: Rep. Lamar Smith: Google Will Have 'Dramatic Impact' on Elections**

Rep. Lamar Smith (R-TX) joined *Breitbart News Daily* on Thursday to talk about Google CEO Sundar Pichai's recent hearing in front of the House Judiciary Committee. Smith said that if Google continues on the same course, it will end up "skewing elections." Rep. Lamar Smith (R-TX) challenged Google CEO Sundar Pichai during a recent hearing in front of the House Judiciary Committee on the topic of political censorship on the Google platforms, namely their search engine. During the hearing, Pichai and Smith went back and forth about whether or not Google employees can manipulate the Google search engine to favor "ideologically-friendly" sites and disfavor other conservative sites. PICHAI: "It is not possible for an individual employee or groups of employees to manipulate our search results. We have a robust framework, including many steps in the process." SMITH: "I disagree, I think humans can manipulate the process. It is a human process at its base." "I think what you see is an unwillingness by the head of Google to directly answer questions. We never really got a direct answer. He could never really explain why so many results of internet searches were in fact slanted against conservatives or Republicans or the President or the Vice President," Smith said during his appearance on *Breitbart News Daily* on Thursday.

**Courthouse News Service: Census Citizenship Question Spat Headed to Trial in San Francisco**

A lawsuit claiming the Trump administration used a false motive to justify adding a census question that could weaken the political power of Democratic strongholds must go to trial next month, a federal judge ruled Friday. In a 17-page order, U.S. District Judge Richard Seeborg said he needs a bench trial to weigh the credibility of statements made by U.S. Commerce Secretary Wilbur Ross and other officials to determine if Ross "had a valid basis for adding the citizenship question."

STATES

**California: The Archaic Way California Reports Election Night Results Fuels Suspicions of Fraud, Critics Charge**

The morning after the Nov. 6 congressional midterm election in California, state, county and media websites reported that 100 percent of precincts had turned in their results. It was highly misleading: The final tally, released Friday, showed that a staggering 5.2 million of the 12.1 million ballots cast — 43 percent — remained uncounted that morning. Most of the outstanding votes were from the same areas.

FLSOS-19-04410-A0000671



website charts listing results from “100 percent” of the precincts feed public mistrust in the counting despite California’s stringent protections of ballot integrity, said Mindy Romero, the director of the University of Southern California’s California Civic Engagement Project, a nonpartisan research center in Sacramento.

### **California: Some California Voter Records Possibly Switched From Poll to Mail Ballots, Says Nonprofit**

Some Californians who were listed as poll voters in county data were classified as voting by mail in state records for the June primary election. This could be a major concern for the state’s election process, nonprofit Election Integrity Project California (EIPCa) has said. The non-partisan volunteer group found that more than 97,000 voters in Los Angeles County alone who were classified as going to the polls in person were listed as voting by mail in state records. The group believes a similar issue may have affected the November mid-term elections. “I don’t know if it’s a software glitch or something else,” Ellen Swensen, co-founder and chief analyst of EIPCa, told The Epoch Times. “This may be related to provisional voting, but they should match. The bottom line is that illogical data differences like this prevent EIPCa from independently validating the results of our elections, and that should concern everybody.”

### **California: DMV Failed to Submit 589 Voter Registrations Before Midterm Election, the Latest in String of Errors**

California’s secretary of state called for new leadership at the state’s embattled Department of Motor Vehicles after revelations of an error that could have prevented nearly 600 people from voting last month. DMV Director Jean Shiimoto told Secretary of State Alex Padilla in a letter that the agency mistakenly failed to transmit 589 voter records before the Nov. 6 election. A DMV spokesman said Shiimoto had already told staff she plans to retire by the end of the year. It’s the latest in a string of DMV errors related to rolling out the “motor voter” program that automatically registers eligible people who visit the department. In October, the DMV said about 1,500 people may have been incorrectly registered, perhaps including non-citizens. It also faced an audit over hours long wait times.

### **Florida: Florida Senate Won’t Consider Reinstating Former Broward Elections Supervisor Brenda Snipes**

The Florida Senate has declined to take action on former Broward County elections head Brenda Snipes’ suspension, paving the way for an ally of Republican Gov. Rick Scott to fill the remainder of her term, according to a memo on Thursday from Senate President Bill Galvano. Snipes had announced she would resign her post effective Jan. 4, amid an outcry over stumbles by her office during Florida’s recount. A day after Scott suspended her from office on Nov. 30, Snipes she said she would withdraw her resignation. Citing “misfeasance, incompetence and neglect of duty,” Scott installed Pete Antonacci, his former top lawyer, to fill the remainder of Snipes’ term, which ends after the 2020 presidential election.

### **Florida: 'We're Going to Follow the Law:' Q&A with New Broward Elections Chief**

There were allegations that Dr. Snipes was fixing elections for Democrats. Any impressions on that so far? I’ll speak to that indirectly. If the office of supervisors — as they are set up in our 67 counties — performs well, people will trust the outcome. The problem that has taken place in this office and other offices in Florida, a few other ones, is when performance lags, when the metrics are not met. For example, I’ll give you an example. When you’re not reporting every 30 minutes like you’re supposed to on election night, people get worried. And people get worried because of a concern about fraud. How will you handle voter purges, also called list maintenance? We’re going to follow the law. I don’t have all of the various options in front of me.... If you’re following the law, you’re enhancing public confidence. Every time you diverge from that — you miss your deadlines, your reports come in late, you don’t know how to upload stuff — you’re eroding public confidence. They go, ‘There they go again.’

### **Florida: Vote-by-Mail Scandal in North Carolina Exposes Florida’s Lax Laws**

In North Carolina, a Congressional race might get a rare election do-over after allegations surfaced that a political operative helped the Republican candidate win by illegally collecting absentee, or vote-by-mail, ballots. The case highlights a notable difference between two states, however: North Carolina has much tougher laws than Florida when it comes to voting by mail. Although Florida, like many states, has imposed strong voter ID laws for casting a ballot at a polling place, it’s done virtually nothing to stop fraud in the vote-by-mail process. Most everywhere in Florida, it’s not illegal to collect ballots, like it is in North Carolina, where it’s a felony. Rather, it’s only illegal to pay someone to collect ballots. <https://www.fox40.com/story/4000072/>

that allows campaign volunteers and even candidates themselves to go door to door collecting voters' ballots. (One exception is in Miami-Dade County, which has its own county code limiting anyone from possessing more than two ballots at a time.)

### **Illinois: Chicago Alderman Candidate Says Election Fraud Allegations Show 'Perversion of Democracy'**

An alderman candidate in Chicago said Tuesday that election fraud allegations in his ward are indicative of widespread problems in the city. "This is a huge perversion of democracy," David Krupa, a 19-year-old freshman at DePaul University, told Hill.TV's Buck Sexton on "Rising." "Michael Madigan, our state speaker, has been doing this for a long time in my ward, and we think it's really unfair, and not just unfair, but undemocratic," said Krupa, who is running in the city's 13th ward. Krupa alleges that allies of his opponent, Alderman Marty Quinn, are engaging in election fraud to get him off the ballot. Krupa has collected 1,703 signatures, surpassing the 473 needed to run for alderman. He claims that before he turned in the signatures, Quinn's supporters submitted affidavits from 2,796 people saying they want to take back their signatures supporting Krupa. Quinn addressed the allegations on "Chicago Tonight," suggesting that Krupa was being disingenuous. "I guess the better question is: a self-described, 'day-one Trump supporter' gets 1,700 signatures in the 13th Ward, without being disingenuous? That's the question that comes to my mind," Quinn said. Krupa told Sexton that he is willing to take the case to the federal level.

### **Iowa: Secretary of State on Winneshiek County Ballot Fight**

Secretary of State Paul Pate is weighing in on a controversial northeast Iowa election. Democrat Kayla Koether is trying to get 33 absentee ballots counted in Winneshiek County. She currently trails incumbent Republican Michael Bergan by nine votes in Iowa House District 55 and the ballots in question arrived after election day and do not have a postmark on them. Pate has now issued the following statement on this matter: *"As Secretary of State, I swear an oath to uphold the Constitution and Laws of the State of Iowa, and I support every eligible vote being counted. Trying to change the rules after an election is not the way elections work in Iowa. In addition, this office and the Winneshiek County Auditor have complied with the district court order in all respects. I will do everything under the law to ensure every voter is provided the same rights. I am disappointed by the political rhetoric. My job is to be the referee of elections and not side with one candidate or party. Ms. Koether has already requested and received recounts in two counties in House District 55, and she has the right under the law to file an election contest."*

### **Kentucky: Owensboro Democrat Says Election Challenge Must Be Dismissed**

A Kentucky Democrat elected to the state House of Representatives by one vote says a Republican's challenge of the election results should be dismissed. Jim Glenn defeated Republican state Rep. DJ Johnson by one vote in state House District 13. Johnson is challenging the results, asking the Republican-controlled House of Representatives for a recount. He says six voters are ineligible because they did not sign the precinct voter roster. He argues local officials incorrectly rejected 17 absentee ballots. Glenn's attorneys filed documents saying the 17 absentee ballots were correctly rejected by a bipartisan election board. They argue it's impossible to invalidate three of the other six voters because their identities are unknown. The other three were known to poll workers, they said, so there is no risk of fraud.

### **Mississippi: Seven Arrested and Charged with Voting Fraud in Mississippi Town Known for Election Skulduggery**

In a town that calls itself the Hollywood of Mississippi, people say for years they've been hearing tales of dirty politics worthy of a movie script, like campaigns buying votes with cash or beer. But it wasn't until the last few days when the former police chief, a former fire chief and others were arrested on voter fraud charges that locals realized the extent of the problems. "It's always been kind of fishy business dealing with elections in Canton, Miss.," said 21-year-old resident Laselven Harris, an African American who worked in the 2017 city campaign for a white Republican who lost the race for mayor. Six people were arrested Thursday and one was arrested Friday after a grand jury indicted them on a variety of election fraud charges. They face accusations of bribing voters, improperly helping people fill out absentee ballots, voting despite being convicted of disqualifying felonies and voting even though they lived outside the city or voting district.

### **North Carolina: Gov. Roy Cooper Vetoes Voter ID Bill**

Gov. Roy Cooper vetoed a bill that would require voters to show a form of photo identification before voting in person, calling it “a solution in search of a problem.” The bill passed this month largely along party lines. A handful of Democrats voted for it, and the bill passed with veto-proof margins in both the state House and Senate. House Speaker Tim Moore and Senate leader Phil Berger said in separate statements that the legislature will override Cooper’s veto. “We are disappointed that Gov. Cooper chose to ignore the will of the people and reject a commonsense election integrity measure that is common in most states, but the North Carolina House will override his veto as soon as possible,” Moore’s statement said.

### **North Carolina: Voter Fraud Probe Could Prompt New Primary, General Elections**

With fraud allegations still plaguing an uncertified North Carolina congressional election, voters could head back to the polls for a brand-new election – primary and all. North Carolina’s state legislature voted Wednesday to require both new primary and general elections should the state elections board decide to call for a redo. Accusations of voter fraud and ballot irregularities have bedeviled the 9th Congressional District election. Republican Mark Harris led Democrat Dan McCready by about 900 votes out of nearly 283,000 cast in the district, which the GOP has held since 1963. But issues with absentee ballots have prevented Harris from being certified the winner as the state elections board continues to investigate allegations of “irregularities and concerted fraudulent activities.”

### **REDISTRICTING**

#### **New Jersey: New Jersey Democrats Want to Make Republicans a Permanent Minority — and Are Getting Accused of Gerrymandering for It**

Democrats have control over New Jersey’s State Senate, House and governorship. They are looking into making this power permanent under a proposal that would ensure Republicans are the minority in the Garden State. The New York Times reported that Stephen M. Sweeney, the New Jersey State Senate president, and fellow state legislator Nicholas P. Scutari, have proposed a bill that would allow voters to decide how redistricting should be done. The Democrats’ proposal would amend the state’s constitution by overhauling a redistricting committee and giving more power to legislative leaders, according to The Times. The plan has been criticized as gerrymandering by both Republicans and Democrats. Eric Holder, former U.S. attorney general under President Barack Obama and head of the National Democratic Redistricting Committee, told The Times that “the American people want redistricting reforms that help level the playing field so that elections are decided on who has the best ideas, not which party was in charge of drawing the lines.”

#### **Virginia: Virginia House of Delegates Asks Justices to Intervene in Redistricting Dispute**

Last month the Supreme Court announced that it would, for the second time, review a case from Virginia challenging the legislative districts drawn in 2011 for the state’s House of Delegates as the product of unconstitutional racial gerrymandering – the idea that legislators relied too much on race when drawing the maps. Today Virginia legislators were back at the court, asking the justices to block proceedings in the lower court aimed at coming up with new maps for the 2019 election until the Supreme Court can rule on the dispute. The Virginia case is one with which the justices are already very familiar. Last year, the court ruled that a lower court had applied the wrong legal standard when it rejected claims that 12 districts were the product of racial gerrymandering. The Supreme Court upheld one district, but it ordered the lower court to take a fresh look at the other 11 – and, in particular, at whether race was the primary factor used to draw those districts.

**The American Civil Rights Union**

3213 Duke St., #625

Alexandria, VA 22314

<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, January 08, 2019 10:40 AM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Supreme Court will take on the issue of partisan gerrymandering; EAC now operational; in CA new ballot harvesting law was used to flip congressional seats, while noncitizens voted. FL bill to weed out noncitizens proposed.

#### EMAIL RECEIVED FROM EXTERNAL SOURCE

The [Supreme Court will take on the issue of partisan gerrymandering](#) in the new session and the [Election Assistance Commission is now operational](#). The L.A. Times confesses how California's new ballot harvesting law was used by [young illegals to flip Orange County congressional seats](#), while a confusing DMV questionnaire may have permitted noncitizens to vote. Meanwhile, Florida is eyeing [return to electing its Secretary of State](#), considering a new bill to [weed out noncitizens from the voter rolls](#) and [crosschecking voter registrations with other states](#). [Maryland](#) and [New Jersey](#) now have automatic voter registration in place, and [Nebraska's new Secretary of State](#) is looking at measures to improve his state's election integrity. Speaking of elections, [Georgia's Stacy Abrams](#) finally admitted defeat! Read this [week's EIB](#).

#### LEAD

##### **WSJ: Supreme Court Again to Consider Partisan Gerrymandering**

The Supreme Court will try again to tackle the thorny issue of political gerrymandering, announcing Friday that it will hear cases from North Carolina and Maryland to decide whether there are constitutional limits to how far lawmakers can go in drawing electoral districts to maximize their partisan advantage. The court, in a brief written order, said it would review two lower-court rulings: one that struck down a North Carolina congressional map drawn by Republicans that has been highly favorable to the GOP, and another that invalidated a Maryland congressional district drawn by Democrats to eliminate a Republican-held seat.

#### FEDERAL

##### **The Hill: Senate Confirms Commissioners to Election Agency, Giving it Full Powers**

The Senate late Wednesday confirmed by voice vote a pair of commissioners to the Election Assistance Commission (EAC), giving the agency a quorum for the first time since last March. Benjamin Hovland and Donald Palmer were among several nominees passed in the final hours of the Senate session. If they had not been confirmed before noon Thursday, when the 115th Congress adjourns, both nominees would have to go through the confirmation process again. Having a quorum means the EAC can now carry out major policy moves.

#### STATES

##### **California: L.A. Times Admits Illegals/Foreigners Influenced Election — to Help Democrats**

It's the real foreign influence on our elections — and now even the liberal *Los Angeles Times* has tacitly admitted its significance. It's all included in a New Year's Day piece *American Thinker's* Monica Showalter writes, "accidentally did more to raise questions about the issue of ballot-harvesting in California than any raving right-wing warning tome could ever do. The Times describes how California's famed ballot-harvesters, who flipped places such as Orange County blue in the last midterm, aren't actually citizens."

##### **California: Did Non-Citizens Vote Last Year? California Officials Still Cannot Say**

California officials still can't say whether non-citizens voted in the June 2018 primary because a confusing government questionnaire about eligibility was created in a way that prevents a direct answer on citizenship. The snag comes from a voter eligibility questionnaire that lumps five separate characteristics. "We can't assume why they declined to answer eligibility questions or why they said they were not eligible," the Secretary of State's Office wrote in an internal memo on Oct. 8, 2018.

##### **Florida: Florida Officials Make Proposal for Changes to Secretary of State Position**

A proposal to make Florida's secretary of state an elected position has again emerged in the Senate.



This is the fourth consecutive year the proposal has been introduced. Florida had an elected secretary of state until 2003. That's when the position became appointed under a constitutional amendment that shrank the Cabinet from six to three members. The secretary of state is now appointed by the governor. Proponents of an elected secretary of state, including Senate bill sponsor Aaron Bean, argue the move would avoid "awkward" situations or even conflicts of interest in election disputes. "Now, more than ever, it is topical to have an independent person, who is directly responsible to and accountable to the voters for our election system. That person should be an independently elected secretary of state," said State Senator Aaron Bean.

#### **Florida: Bill Would Identify Noncitizen Voters**

Florida elections officials would be tasked with trying to identify noncitizens on the voter rolls under legislation filed this week by state Sen. Joe Gruters. Gruters, R-Sarasota, wants the supervisor of elections in each Florida county to enter into an agreement with local court officials to get a list of jurors who identified themselves as noncitizens and compare that list against the voter rolls. Gruters' bill (SB 230) also would require the Department of Motor Vehicles to provide a monthly list of "persons who identify themselves as aliens" to the Department of State, which would crosscheck the list against the statewide voter registration database and flag potential noncitizens on the voter roll for local elections supervisors. "We don't want to have any illegals voting," said Gruters.

#### **Florida: New Law Allows Florida Election Officials To Cross Check Voter Rolls With Other States**

Florida is joining a multi-state compact, giving local elections supervisors access to voter logs in other states. It's through a new law that went into effect New Years The new law allows the Department of State to join E.R.I.C (ERIC), the Election Registration Information Center. "The Electronic Registration Information Center is a clearinghouse that allows Florida's supervisors to send information to ensure that individuals who are registered in the state of Florida are not dually registered in other jurisdictions," Former Leon County Supervisor of Elections Ion Sancho said.

#### **Georgia: Stacey Abrams and the Lie of Voter Suppression**

Democrat Stacey Abrams finally admitted defeat to Republican Brian Kemp in the Georgia governor's race. Yet rather than gracefully stepping down, Abrams said, "As a woman of conscience and faith, I cannot concede. But my assessment is that the law currently allows no further viable remedy." Here, she relies on false claims of voter suppression by citing a bevy of issues including: voting precinct closures, the Georgia Exact Match Law, voter roll purges and long lines on Election Day. Such extraordinary claims require extraordinary evidence. Unfortunately, the evidence is quite unremarkable. It is apparent that Brian Kemp simply enforced Georgia laws with respect to the election.

#### **Maryland: Election Day Voter Registration Goes Into Effect In Maryland**

This past November, 67 percent of Maryland voters approved a ballot measure that would allow Election Day registration. With the ballot measure taking effect on Jan. 1, it's now up to state legislators to craft instructions for election officials to implement the new law. Same-day registration during early voting periods — which run for eight days prior to primary and general elections — have been an option for Maryland voters since 2013. Currently, the State Board of Elections uses provisional ballots in early voting. Provisional ballots are also used on Election Day if there is a problem with voter information at the polls.

#### **Nebraska: Nebraska Secretary of State Elect Evnan Looking at Voter ID Laws**

Incoming Nebraska Secretary of State Bob Evnan will move ahead with a plan to require voter ID. He doesn't want to wait until elections here are in trouble. Evnan says, "If you wait until your election process becomes corrupt it is too late to do anything about them. The time to address this is ahead of the curve." Evnan wants to put together a Voter ID Law for Nebraska that fits Nebraska and will protect our elections but does not disenfranchise properly registered voters. He is leaning toward a voter ID card but will spend the rest of the year carefully looking at what works in other states before making any proposals here.

#### **New Jersey: Automatic Voter Registration at MVC Counts on Honesty from Noncitizens**

The state depends on the public's honesty when it automatically registers to vote anyone applying for a driver's license or non-driver identification card through the New Jersey Motor Vehicle Commission. "Prospective New Jersey voters must verify that they are U.S. citizens and eligible to vote prior to NJ MVC

transmitting their voter registration to the Division of Elections,” said Department of State spokeswoman Trudi Gilfillian in an emailed response to questions. “Any false or fraudulent information may subject those convicted to a fine of up to \$15,000 or imprisonment up to five years, or both,” she said. “Individuals must acknowledge on the signature pad that they have received this warning.”

### **Oklahoma: Sallisaw Woman Facing Voter Fraud Charges**

A Sallisaw woman was arrested recently for voting illegally twice in Sequoyah County. Tera Beth Long, 36, of Sallisaw, faces one count of false affidavit in voting registration and one count of voting illegally. Both are considered felonies and punishable by a total imprisonment of up to 10 years and fines of up to \$100,000 if convicted for both counts, according to a probable cause affidavit filed Dec. 12 by Sequoyah County District Attorney Jack Thorp. According to the document, Long is alleged to have voted illegally during the 2016 and 2018 elections.

### **Tennessee: Taxpayer Dollars Used by Memphis City leaders to Promote Political Cause**

The Memphis city council approved using \$40,000 to educate voters about three referendums on the November 2018 ballot. On Wednesday, FOX13 received public records that show the city almost spent the full \$40,000. FOX13 obtained an itemized statement which shows Memphis city council hired the Carter-Malone Group, LLC as a consultant for its 2018 referendum campaign. This statement shows the firm spent nearly \$18,000 alone for grassroots marketing and poll workers during early voting. “They were straight forward one-sided advocacy, they did not seek to inform the voters in any detail of what the referendums meant or why they might be good or bad. They just said vote yes for repeal,” said Steven Mulroy of Save IRV. Mulroy believes this was dishonest and misled voters.

## **REDISTRICTING**

### **SCOTUS Blog: Supreme Court to Tackle Partisan Gerrymandering Again**

Less than six months after sidestepping a ruling on partisan gerrymandering, the justices announced this afternoon that they will once again wade into the thorny issue of when (if ever) state officials violate the Constitution by drawing district lines to favor one political party at another’s expense, this time in cases from North Carolina and Maryland. With the retirement last summer of Justice Anthony Kennedy and his replacement by Justice Brett Kavanaugh, the more conservative court could be poised to rule that courts should steer clear of such claims. The issue of partisan gerrymandering has vexed the justices for some time.

**The American Civil Rights Union**

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Alexandria, VA 22314

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**From:** Susan Carleson <Susan.Carleson@theacru.org>  
**Sent:** Tuesday, December 11, 2018 11:45 AM EST  
**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** EIB: Yes, Voter Fraud is Real, Not Just North Carolina, Look to MS, NY and TX

EMAIL RECEIVED FROM EXTERNAL SOURCE

[Yes, voter fraud is real ... discovered in the North Carolina 9<sup>th</sup> Congressional District.](#) But also found in a few other places, including [Mississippi](#), [New York](#), and [Texas](#), where recent voter fraud cases are being prosecuted. Read all about these stories [in this week's EIB](#).

LEAD

**National Review: Yes, Voter Fraud Is Real**

Democrats, who the day before yesterday were insisting that voter fraud didn't exist, now believe that it was used to steal a North Carolina congressional seat from them — and they may well be right. Republican Mark Harris has a 905-vote lead over Democrat Dan McCready in the state's 9th Congressional District, a slender victory that the State Board of Elections has refused to certify given credible allegations of cheating. The election board can order a new election if improprieties occurred that "taint the result" and "cast doubt on its fairness." Absentee voting is a particular soft spot. It occurs outside the watch of election officials, and it's impossible to determine what happens to the ballot in between the time it leaves and returns.

FEDERAL

**Daily Signal: Election Fraud Doesn't Exist Until Liberals Want It to Exist**

Something amazing is happening: Liberals have suddenly begun to believe in voter fraud. Almost overnight, years of constant denial and disbelief have melted away amid allegations that a congressional election in North Carolina may have been tainted by absentee ballot fraud. According to the left, voter fraud does not exist and any effort to address it is really about voter suppression and racially-motivated disenfranchisement. It is ironic that North Carolina is one of the states where the left has vehemently opposed voter ID, which is just one of many reforms that are needed to secure elections. That makes liberals' overnight conversion all the more shocking.

**Breitbart: Democrats Call Ballot Harvesting 'Fraud' in North Carolina, 'Democracy' in California**

Democrats are crying foul over alleged voter fraud in North Carolina's 9th congressional district, where Republican operative Leslie McCrae Dowless is accused of using "ballot harvesting" to help Mark Harris defeat Democrat Dan McCready. Dowless and his staff gathered absentee ballots from voters and offered to mail them in on the voters' behalf. Only near relatives are allowed to do that under North Carolina law. But in California, third parties may submit an unlimited number of mail-in ballots, thanks to a new law signed by Gov. Jerry Brown in 2016. The practice of "ballot harvesting" is now thought to have had a major impact on the 2018 midterm elections in California, where several incumbent Republicans in competitive districts had healthy leads on Election Night, only to discover — weeks later, in some cases — they had lost, thanks to mail-in ballots.

**NPR: Voting by Mail Is on the Rise, but Could Alleged N.C. Election Fraud Change That?**

"The consensus, among people who study fraud carefully, is that voting by mail is a much more fertile area for fraud than voting in person," said Charles Stewart, who studies election technology and administration at Massachusetts Institute of Technology. Still, voting by mail is on the rise. The numbers aren't finalized for 2018 yet, but in the 2016 presidential election, the percentage of people who voted by mail had more than doubled compared to two decades prior.

STATES

**Florida: Broward Recount Hampered by Too Few Workers, Judges Say**

The Broward elections office didn't have enough workers to recount votes in the November election, **FLSOS-19-0440-A000078**

according to a self-evaluation sent to the state. The report has two parts, one signed by two judges and now-suspended Supervisor of Elections Brenda Snipes and the other signed only by judges. The version with Snipes' signature says staffing shortages did not contribute to vote-counting delays. But the judges' version says the office didn't have enough staff to run a 24-hour operation, which they say was necessary to meet the counting deadlines.

### **Georgia: A Brewing January Fight Could Pit Ballot Access Against Voter Security**

In his victory declaration, Secretary of State-elect Brad Raffensperger vowed to defend the broad voter registration purges and strict requirements for absentee balloting, which were implemented by his Republican predecessor and fueled Democratic accusations of disenfranchisement in fall campaigns. Raffensperger's decision to continue the policies of Brian Kemp, now the governor-elect, virtually guarantees a January fight among state lawmakers that will pit voting security, as demanded by Republicans, against ballot access, now a front-and-center cause among Democrats.

### **Maine: Maine GOP Calls for Investigation of Election Irregularities in 2nd District**

The Maine Republican Party called on Maine Secretary of State Matt Dunlap to launch an investigation into election irregularities it has uncovered in the controversial 2nd congressional district election held on November 6. The party released evidence of those irregularities on Thursday: 17 sworn affidavits from voters who are residents of four towns in southern Maine that are part of the 1st Congressional District, who say that on election day, they were given ballots for the November 6 election in the 2nd Congressional District between Democrat Jared Golden and Rep. Bruce Poliquin (R-ME-02).

### **Mississippi: Court Records Say Former Canton Fire Chief Promised Beer for a Vote**

Madison County Assistant District Attorney Bryan Buckley confirmed Cary Johnson was arrested as the seventh person accused of voter fraud stemming from the 2018 Canton municipal elections. Court records say the former Canton fire chief promised beer for a vote. The former Canton fire chief is the latest official to be arrested in a voter fraud sweep in Madison County. Johnson was indicted on three counts of voter fraud for allegedly buying votes in exchange for money and beer. Canton Alderwoman and former Police Chief Vickie McNeil and five others were indicted on charges of voter fraud.

### **New York: Suffolk Board of Elections Workers, Party Leaders, Face Forgery Charges**

Two employees of the Suffolk County Board of Elections, as well as an East Hampton Independence Party leader, were charged with forging signatures on nominating petitions, in some cases with the names of dead people, District Attorney Timothy Sini said. The former chairman of the East Hampton Town Republican Party is expected to face similar charges in court. Board of Elections employee William Mann, 60, of Cutchogue, faces charges of second-degree criminal possession of a forged instrument, first-degree offering a false instrument for filing and two counts of official misconduct. Another employee, Gregory Dickerson, 55, of Mattituck, was charged with two counts of second-degree criminal possession of a forged instrument and two counts of first-degree offering a false instrument for filing.

### **North Carolina: NC GOP Candidate: 'I Would Wholeheartedly Support' New Election if Fraud Is Found**

Republican Mark Harris announced that he would support a new election for North Carolina's 9th congressional district if it is determined that election fraud swung the race in his favor. Harris announced in a web video that he would back a potential new race amid rising evidence of fraud in the contest, in which he leads Democratic rival Dan McCready by 905 votes. Questions surround an independent contractor that worked on Harris' campaign as the state's board of elections investigates absentee ballot irregularities.

### **Texas: Texas Officials Request Two New Voter Fraud Investigations**

In a year fraught with numerous allegations and, in some cases, prosecutions over irregularities at the Texas ballot box, two new voter fraud investigations appear to loom in the Lone Star State. Director of Elections Keith Ingram for the Texas Secretary of State requested the Office of Texas Attorney General Ken Paxton investigate a complaint that accused a South Texas councilman of committing voter fraud during the November 2018 midterm election in a school board race. The complainant alleges that on October 24, 2018, Hidalgo City Councilman Rodolfo "Rudy" Franz unlawfully assisted a voter by suggesting and instructing the voter on who to vote for while assisting them with their ballot. The

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complainant further alleges that Mr. Franz was asked multiple times by election workers to stop making suggestions and instructions to the voter, but that he continued to offer unlawful assistance despite their requests.

## REDISTRICTING

### Politico: Democrats Fighting Their Own Base on Redistricting

It's only been a month since the election, when enthusiasm from the liberal wing of the Democratic Party helped flip four of New Jersey's five GOP-held house seats. But now many of the activists who were instrumental in flipping those House seats are fighting with their own party's state legislators over the redistricting amendment. The liberals who call for redistricting reform have a lot of problems with the amendment. The New Jersey Working Families Alliance, which helped make the case for a similar amendment a few years ago but dropped its support, is helping organize the resistance.

### Virginia: Expert Reveals Proposal to Redraw VA House Map after Court Rejects GOP Attempt to Block It

An expert appointed to redraw the Virginia House of Delegates map released his proposal Friday after a federal court rejected a Republican effort to stop it. Bernard Grofman, a political science professor at the University of California-Irvine, filed his 131-page report outlining his suggestions for how Virginia could fix 11 House districts found to be racially gerrymandered. A panel of three federal judges denied both motions, clearing the way for the release of Grofman's proposal.

### Lawmaker Aims to Get Citizenship Question Removed from U.S. Census

The likely incoming Democratic chairman of the congressional panel overseeing the U.S. census said on Tuesday he aims to pressure the Trump administration into removing a question about citizenship from the 2020 census questionnaire. Representative Gerald Connolly said that when Democrats assume leadership of the House of Representatives in January, they plan to call Commerce Secretary Wilbur Ross to testify about the citizenship question, which has spurred criticism and lawsuits.

### Courthouse News: Citizenship Census Question Spat Likely Headed for Trial in California

Citing facts still in dispute about the decision to add a citizenship question to the 2020 U.S. Census, a federal judge suggested Friday that another trial over the controversial Trump administration policy will likely start early next year.

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, November 13, 2018 10:17 AM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Chaos in Broward County as Multiple Recounts Commence and Senator Rubio Calls Out "Shenanigans"; Voter ID Wins in North Carolina, Arkansas

#### EMAIL RECEIVED FROM EXTERNAL SOURCE

The statewide Florida recount begins for Governor and Senator. With chaos in Broward County, Senator Marco Rubio is outraged [with the shenanigans](#). Voter fraud in Alabama, [Texas](#), and [California](#). Automatic voter registration [wins approval](#) in Nevada. Voter ID referendums win approval by citizens in Arkansas and [North Carolina](#). The Kansas citizenship requirement for registration [advances to the appeals](#) court. As the dust settles, what is the [redistricting impact](#) of the 2018 mid-term elections? Get up to speed with the [EIB](#).

#### LEAD

##### Washington Times: Rubio, GOP Attorneys Allege Election Shenanigans in Florida

Florida Republican Sen. Marco Rubio called what was happening in his state "an outrage" Friday night, as questions continued to swirl around the Senate and gubernatorial vote in Broward and Palm Beach Counties. Days after the deadline for early voting and the closing of polls on Election Day, officials in those two counties continued to make sporadic announcements of new vote counts, but the process has been opaque.

#### FEDERAL

##### Washington Times: Law Requiring a Birth Certificate to Register to Vote Advances to Appeals Court

The debate over how to sift out illegal voters from legal ones has reached the federal appeals court level, making it possible the Supreme Court eventually will rule whether a state can demand a birth certificate to register to vote. "This case should end up at the Supreme Court if the 10th Circuit doesn't overturn the district court opinion," said Hans von Spakovsky, a lawyer and Heritage Foundation election law expert. "The opinion is wrong on both the law and the facts. There is no violation of federal law simply because Kansas is trying to verify the citizenship of registered voters."

#### STATES

##### Alabama: Henry County Deputy Investigated for Voter Fraud, AG Says

Attorney General Steve Marshall revealed that a reserve deputy with the Henry County Sheriff's Office was arrested. A press release was sent out Monday explaining that Wylie Aaron Mathis, 46, was charged with giving false information during his voter registration. The deputy, a resident of Houston County, allegedly gave a fake address so he could vote in Henry County. "The laws of Alabama that protect the integrity of our elections are important to everyone. Those who violate our election laws and undermine the sanctity of our electoral process can expect to be vigorously prosecuted by my office."

##### Arizona: Arizona Senate Vote Count Settlement Reached; Counties Given Extension to Cure Ballots

Republicans and Democrats in Arizona reached an agreement in court Friday that gives all counties in the state until this coming Wednesday to address problems with ballots, as vote tallying for the state's tight Senate race continues. The settlement comes after Republicans filed a lawsuit Wednesday in a bid to prevent Maricopa and Pima counties – the two biggest counties in the state – from using procedures that permit mail-in ballot fixes to occur beyond Election Day, arguing that the practice was improper.

##### Arkansas: Arkansas Voters Approve Voter ID Measure

Arkansas voters have passed Issue 2, a constitutional amendment on voter ID. With 77% of precincts reporting late Tuesday night, the vote was 80% for and 20% against. The measure adds as a qualification

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to vote that a voter present certain valid photographic identification when casting a ballot in person or casting an absentee ballot. Issue 2 changes Article 3 of the Arkansas Constitution to amend the qualifications residents must meet in order to vote in an election in this state.

### **California: Three Charged with Voter Fraud in Kern County**

Three people have been charged with voter fraud in Kern County. According to the office of District Attorney Lisa Green, Gilberto De La Torre, John Byrne, and Fernando Osorio have been charged for violations of Election Code § 18560(a) or (b). The charges were filed as misdemeanors. A fourth person, Robert Lopez, Jr., was charged with perjury after allegedly falsely claiming non-citizenship on a jury summons to avoid jury duty. According to the D.A.'s office, perjury is a felony offense and all charges were a result of investigations by the Public Integrity Unit of the Kern County District Attorney's Office.

### **California: Northern California Woman Faces Felony Voter Fraud Charges for Allegedly Voting Twice**

The U.S. Justice Department is keeping a close eye on Sacramento County during Tuesday's election. The Civil Rights Division will be monitoring polling places to ensure voting rights laws are followed, and voter fraud is not tolerated. Deidra Vrooman is charged with felony election fraud for casting two ballots in the 2016 primary election. She said her intention was not to vote twice. Janna Haynes with Sacramento County Voter Registration and Elections says regardless of intent, it's a crime to vote twice. "What's important is not how many ballots you receive but the fact that you only vote one back because you can legally only vote one back," Haynes said.

### **California: Elections Office Updates Procedure to Avoid 'Multiple Voting'**

Concerned that some voters might be confused whether to vote by mail or in person and try to do both, Contra Costa County Elections Division has updated its procedures for Tuesday's mid-term election. In a statement issued, the Division said California law lets voters who are issued a vote-by-mail ballot to turn it in and vote at polls during Election Day. "Besides being a waste of taxpayer dollars, it has resulted in the possibility of a voter casting more than one ballot without immediate detection," the statement said. The Division reviewed its processes at polling places and updated its practices to ensure election integrity and to prevent multiple voting, the statement said.

### **Florida: Broward County Elections Supervisor Mixed Invalid Provisional Ballots into Valid Batch**

Broward County's elections supervisor mixed 20 invalid ballots with a pile of 205 valid ballots, giving more fuel to Republicans who have alleged Democrats are trying to steal the U.S. Senate election from Gov. Rick Scott, R-Fla., who faces incumbent Sen. Bill Nelson. Precinct workers had 205 voters fill out provisional ballots when the system at the precincts showed they weren't registered voters, which differed from information at Broward election headquarters. Upon reviewing those provisional ballots, the canvassing board found 20 of those 205 votes had mismatched signatures and said they were illegal.

### **Florida: State Orders Machine Recounts for Governor, U.S. Senate, Four Other Races**

Florida ordered mandatory machine recounts in three statewide elections Saturday for the first time in state history. Secretary of State Ken Detzner issued a one-page order directing all 67 counties to conduct a machine recount of all votes cast in the races for governor, U.S. Senator and commissioner of agriculture. The state placed a "machine recount indicated" banner in red letters below the first unofficial returns in all three races.

### **Florida: Judge Orders Broward Elections Chief to Turn Over Vote Counts to Scott's Campaign**

Broward Circuit Judge Carol-Lisa Phillips also held that Brenda Snipes, Broward's supervisor of elections, was in violation of Florida public-records laws for not turning over the records requested by Gov. Rick Scott's campaign for U.S. Senate.

### **Florida: Florida Will Restore Voting Rights to Felons**

Florida will restore voting rights to felons who have completed their sentences. Under the newly passed law, Florida will return voting rights to an estimated 1.5 million felons who have completed the terms of their sentence, including parole and probation. It does not apply to felons convicted of murder or sex offenses. The constitutional amendment required approval by 60 percent of Florida voters to pass.



## **Massachusetts: Cracks in the Election System Raise Concerns About Double Voting**

Three voters were indicted in New Hampshire for allegedly double dipping in the race that got President Donald Trump elected. Massachusetts Secretary of State William Galvin says officials are trying to prevent a repeat. "We take great precaution," he said, showing letters his office has received in the last week from other states flagging former Massachusetts voters now registered in places like California, Tennessee, Vermont, to name a few.

## **Nevada: Nevada Voters Approve Automatic Voter Registration**

Nevadans approved a measure to make voter registration automatic when a person applies for an identification card or a driver's license. Under the ballot measure, the voter registration system at the state's Department of Motor Vehicles would require Nevada residents to check a box to decline voter registration instead of the former opt-in system, The Associated Press reports. The measure would also allow a resident's voter registration information to be automatically updated if he or she is already registered to vote.

## **New York: Jammed Scanners Frustrate Voters in New York City**

A two-page ballot caused havoc for scanning machines at polling places across New York City, as scores of broken scanners brought voting to a standstill at many locations on an Election Day marked by heavy turnout. Voters waited helplessly as the scanners stood idle. Mayor Bill de Blasio called the situation at poll sites "absolutely unacceptable" and said it showed that the city's Board of Elections was "broken." On Tuesday afternoon, he told 1010 WINS radio that the State Legislature must pass a law to turn the board into "a modern agency that knows how to provide the services it's charged with."

## **North Carolina: GOP Supermajority Will Write a New Voter ID Law Before More Democrats Take Office**

Republican state legislators in North Carolina plan to write more laws this month to take advantage of the last weeks that they hold a veto-proof majority. Voters approved an addition to the state constitution that will require changes to state law: a photo ID requirement for voters. The constitutional change will take effect on Nov. 27, when the state elections board certifies results, said Gerry Cohen, former general counsel to the General Assembly. Legislative leaders have scheduled their session to resume that day. Voters kept Republicans in control of the House and Senate but reduced their majorities enough that they won't be able to block Democratic Gov. Roy Cooper's vetoes without help from Democrats. But the new balance of power won't take effect until lawmakers' regular session in January.

## **Tennessee: Memphis Voters Shoot Down Instant Runoff Voting Repeal**

Memphis voters denied City Council members longer terms and overwhelmingly shot down a proposed repeal of instant runoff voting, according to unofficial vote tallies. Of the controversial trio charter amendments, the question that saw perhaps the most heated debate asked voters if they wanted to repeal instant runoff, or ranked-choice voting, before it's implemented for single-district council seats. Nearly 63 percent of Memphis voters, or 104,431, were against that ballot question, compared with 62,316 votes in favor of repealing ranked-choice voting. More than 70 percent of Memphis voters cast ballots in favor of instant runoff voting a decade ago, but the practice has not been implemented.

## **Texas: Non-Citizens Voting in Texas? "We got TONS of them" Says Election Official on Undercover Video**

Project Veritas has released undercover video of elections officials in Texas explain how non-citizens can vote in the November 6th 2018 Election.

## **Texas: Bettencourt Asks Texas Secretary of State to Investigate Voter Registration Challenges**

State Sen. Paul Bettencourt on Friday asked Secretary of State Rolando Pablos to investigate — with the help of the Texas Attorney General — whether the Harris County voter registrar is ensuring residents properly list their physical address on voter registrations, as required by law.

## **Texas: Nine People Arrested for Alleged Voter Fraud in Hidalgo County**

Attorney General Ken Paxton announced that the Election Fraud Unit of his office has arrested 10 individuals



accused of participating in an organized illegal voting scheme in Edinburg. The AG's office says the arrests follow an ongoing investigation into a coordinated effort by political workers to recruit people who agreed to fraudulently claim residential addresses so they could vote in specific city of Edinburg municipal races.

## REDISTRICTING

### Voters Approve Major Changes to Redistricting and Other Voting Laws

Across the country, states are on track to overwhelmingly change the way elections are run. In the ballot measures that passed Tuesday, voters in at least three states took the power to determine political boundaries away from state legislatures, while a similar proposition in Utah was too close to call. Voter registration deadlines could become a thing of the past in three states that are making it easier to take part in elections. Several states approved initiatives adopting voter ID laws that are aimed at curbing voter fraud (which has proved close to nonexistent despite claims to the contrary).

### Dems Gain Governors but GOP Keeps Several Big States Ahead of Redistricting Battles

Democrats flipped governorships in seven states Tuesday, installing governors poised to play key roles in the next redistricting process in 2021 and 2022 — but Republicans held onto several major states, giving no party a clear leg up two years ahead of the census. Haunted by their losses at the state level in 2010 and the years after, Democrats made redistricting a key organizing principle of the midterm elections, using the specter of political mapmaking to draw attention to state-level races and launching a new group, the National Democratic Redistricting Committee, to direct money to key races. Democratic wins in Kansas and Wisconsin broke up Republican "trifectas" — control of both state legislative houses and the governorship — in those states, while gains in Illinois, Maine, Nevada, and New Mexico gave Democrats full control over state government there.

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, January 22, 2019 8:05 PM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Democrats are out to seize electoral advantage by counting noncitizens in the 2020; H.R. 1 would federalize our election process; but does Broward County hold the key to stemming vote fraud?

## EMAIL RECEIVED FROM EXTERNAL SOURCE

In this week's [Election Integrity Bulletin](#), Democrats are out to seize electoral advantage by [counting noncitizens in the 2020 Census](#); and [H.R. 1 would federalize our election process](#); but [does Broward County hold the key](#) to stemming vote fraud? Governor DeSantis [lets Brenda Snipes resign](#) but [suspends Palm Beach County's Election Chief](#). Meanwhile, [Stacey Abrams](#) wants noncitizens to vote; and [Kentucky has proposed children get the franchise](#). There's still no sign at [DOJ of the massive data request](#) from North Carolina; and the Trump DOJ has reversed the long-held Obama administration goal of returning federal control over [redistricting in Texas](#). And, more!

### LEAD

#### Trump Must Go to the Mat Over Liberal Judge's Ruling on Census Question

A Manhattan district court judge earlier this week blocked the Trump administration from adding a question on citizenship to the 2020 census, and in doing so has sought to weaken executive power while strengthening the administrative state. The Trump administration has one choice here: Overturn this judicial overreach through appeal. The decision was biased and based on selective evidence. It needs to be overturned and corrected at once. As Judge Jesse M. Furman of the Southern District of New York himself observed in his ruling, "Time is of the essence because the Census Bureau needs to finalize the 2020 questionnaire by June of this year." The administration must therefore seek a stay at the U.S. Court of Appeals for the Second Circuit, and if that fails go straight to the Supreme Court for an expedited review.

### FEDERAL

#### Does Broward County Hold the Key to Stemming Vote Fraud?

As politicians and political analysts like to say, "elections have consequences." Indeed, they do, and the corruption of elections have consequences as well, all of them dire. A law can be on the books, but if it's not enforced it might as well not exist. That has been the problem with Section 8 and why a federal lawsuit against Broward County, Florida now before the 11<sup>th</sup> Circuit U.S. Court of Appeals has the potential to change the whole ballgame – in favor of legitimate voters. The *American Civil Rights Union v. Dr. Brenda Snipes* will finally give NVRA Section 8 the teeth it needs to protect authentic votes by defining the processes and procedures election officials must take to keep their voter rolls clean and accurate – literally cutting off the lifeblood of vote fraudsters. *ACRU v. Snipes* is scheduled for oral argument on March 12<sup>th</sup> and it's *the* case that can make a difference in how honest our elections will be in 2020.

#### Mitch McConnell: Behold the Democrat Politician Protection Act

Right on cue, even as their refusal to invest in border security prolongs this partial government shutdown, House Democrats have wasted no time rolling out a sprawling proposal to grow the federal government's power over Americans' political speech and elections. House Democrats won't come to the table and negotiate to reopen government, but they've been hard at work angling for more control over what you can say about them and how they get reelected. They're trying to clothe this power grab with cliches about "restoring democracy" and doing it "For the People," but their proposal is simply a naked attempt to change the rules of American politics to benefit one party. It should be called the Democrat Politician Protection Act.

#### Democrats Move to Strip States of Election Power

If at first you don't succeed, change the rules of the game so that you can. This has been the modus operandi of the Democrat Party for a long time, and Dems are again putting it to work with their new House majority. HR 1, the first bill to be introduced in the new session, has been euphemistically called the For

the People Act. This so-called voter-reform bill was introduced by Rep. John Sarbanes (D-MD), and Democrats are hoping to use it to fundamentally change America's voting and campaign-finance system. How does it work? It's totally rigged to tip the scales in favor of a putting a leftist government in permanent power in the U.S. The first big thing the bill does is centralize the whole voting process at the federal level, cherry-picking state election laws that have created Democrat fiefdoms in deep blue states and making them national. One of the great strengths of the American voting system has always been that it is controlled by the individual states. But a socialist takeover of a country is harder when each state has its own say in how it elects public officials.

## **STATES**

### **Alabama: Alabama Mayor Convicted of Voter Fraud, Removed from Office**

The mayor of Gordon, Alabama, has been convicted of voter fraud and removed from office. News outlets report Elbert Melton was convicted Wednesday of unlawfully falsifying ballots when he was elected in 2016. He defeated challenger Priscilla Wilson by a 16-vote margin. This conviction strips him of his office. The Gordon Town Council will appoint an interim mayor to serve until an election is held. Melton was charged in September with absentee ballot fraud and second-degree theft of property. Arrest warrants say he knowingly obtained or exerted unauthorized control over \$1,700 that belonged to the town. Prosecutor Mark Johnson says the judge has released Melton on bond. Melton is set to be sentenced next month on the fraud charge. He still is facing the theft charge.

### **Florida: DeSantis Suspends Palm Beach County Elections Chief**

Citing failures to meet ballot counting deadlines during last year's contentious midterm election, Gov. Ron DeSantis suspended Palm Beach County Supervisor of Elections Susan Bucher Friday afternoon and named Republican lawyer Wendy Link as her replacement to "right the ship" — though he said Link would not seek the office in the next election and only fill the post for two years. Bucher is the second elections official to lose her job over the November 2018 recounts. Former Broward elections chief Brenda Snipes announced she was resigning only to be suspended by former Gov. Rick Scott in late November. Link sits on the state university system's board of governors and is also a board member of the Economic Council of Palm Beach County. Bucher, a Democrat and former member of the Florida House, is expected to contest her removal before the Florida Senate, which reviews executive suspensions.

### **Florida: Brenda Snipes Says Gov. DeSantis Let Her Resign with 'My Name and My Dignity' Intact**

Gov. Ron DeSantis did something Friday his predecessor would not: Let former Broward Elections Supervisor Brenda Snipes leave office with her dignity intact. DeSantis did away with former Gov. Rick Scott's suspension of Snipes and accepted her resignation. Snipes welcomed the decision. "I was really concerned about restoring my name and my dignity," Snipes told the South Florida Sun Sentinel on Friday night. "Now there's no shadow hanging over the office that I led for 15 years." DeSantis said it was time to focus on the future.

### **Georgia: Stacey Abrams: 'I Wouldn't Oppose' Non-Citizens Voting in Local Elections**

Stacey Abrams said she would not oppose the extension of voting rights to non-citizens in local elections, offering her remarks in a Friday-aired interview on PBS's Firing Line with Margaret Hoover. Abrams ran for Georgia's governorship as the Democrats' nominee in 2018 and is the Democrats' former leader in Georgia's House of Representatives. Abrams predicted demographic change would benefit the Democrat Party. Abrams called for "mail-in voting" to become standard in national elections. Hoover did not ask about vulnerabilities to fraud in such a system. "I think that voting by mail makes a great deal of sense," said Abrams. "I would love to see mail-in — you know, vote by mail be a national standard."

### **Kentucky: Proposed Bill Would Allow Kentucky Minors to Vote in Local Elections**

This year, Kentucky lawmakers will consider amending the state's constitution to allow 16 and 17-year-olds the right to vote in local elections. The bill in question was pre-filed in 2018 by Democratic Senator Reggie Thomas of Lexington. The bill would allow minors to vote in school board and local elections, such as Lexington's recent mayoral race. If passed, Kentucky would become the first state to grant suffrage to minors. However, it would not be unprecedented for the state to pave the way in voting age reform; in 1955, Kentucky became the second state to lower the voting age from 21 to 18, preceded only by Georgia.

## **North Carolina: NC Officials Haven't Handed Over Massive Trove of Voter Data to Feds**

A demand from the U.S. Department of Justice for data on North Carolina voters has so far gone unanswered by state officials, despite a deadline to produce the records that passed this week. State Board of Elections General Counsel Josh Lawson said neither his office nor any of the county elections boards have provided any documents in response to subpoenas from the office of U.S. Attorney Robert Higdon. The subpoenas were originally issued in September and demanded eight years' worth of data on voters statewide, including five years of data and executed ballots from voters in 44 counties, as part of a grand jury investigation involving U.S. Immigration and Customs Enforcement and the U.S. Department of Homeland Security. Complying would have required state and local boards, as well as the state Division of Motor Vehicles, to hand over millions of records on the state's registered voters just six weeks before the November election. Mounting concern over the demand prompted Justice Department attorneys days later to delay the production deadline until Jan. 14, clarify they wanted only redacted documents and offer to scale back the request.

## **North Carolina: Ballot Harvesting vs. the GOP**

Events of the past couple of months suggest conservatives who wish to maintain the integrity of American elections are looking in the wrong place. We shouldn't be so worried about who turns up at the polls, but who doesn't and yet still casts a vote. "Ballot harvesting," where individuals drop-off a large number of others' postal absentee votes, is in vogue. It's a worrying trend. Manipulation of absentee voting is a threat graver than voter impersonation. The 9th District aside, ballot harvesting is something Democrats can do and have done "better." Grassroots operations facilitate access to voters who don't want to go to the polls or are willing to have others deliver ballots for them. Their frequent ambivalence about politics and residence in many insular communities with cultures of political corruption make them especially vulnerable to ballot harvesters.

## **North Carolina: A Green Card Holder Voted Illegally 3 Times in North Carolina. The Judge Scolds Election Officials.**

Hyo Suk George lived legally in the United States for nearly 20 years before she voted in her first election, coaxed to cast her ballot by an enthusiastic town council member at church. To register, she presented a green card, Social Security number and driver's license —proof enough for the elections officials in Columbus County —then voted in 2008, 2010 and 2016. But on Thursday, George, 70, faced charges of illegal voting from the U.S. Department of Homeland Security, for which she might have spent six months in prison. Instead, U.S. District Court Judge Terrence Boyle chastised the elections board in Whiteville, letting George go with a \$100 fine.

## **Tennessee: Judge Dismisses Tennessee Instant Runoff Voting Lawsuit**

A judge has dismissed a lawsuit that sought to deem instant runoff voting legal in Tennessee, noting that an administrative challenge on the topic remains unresolved. This week, Davidson County Chancellor Anne Martin dismissed the lawsuit by several prospective Memphis city council candidates and IRV Memphis, Inc. against state elections coordinator Mark Goins and Shelby County's Election Commission. Memphis voters in 2008 approved city election instant runoff voting. They rejected a November referendum repeal attempt. The system lets voters rank choices, avoiding runoffs when no candidate tops 50 percent. The lawsuit says Shelby's elections administrator planned to begin instant runoff voting in 2019 municipal elections. Then, Goins wrote that Tennessee law doesn't allow ranked-choice voting. Martin wrote that the parties that sued didn't properly intervene in the yet-to-be-decided administrative case.

## **Texas: Another Noncitizen Indicted for Voter Fraud in 2016**

A non-United States citizen was charged, arrested, and indicted for illegally voting in the November 2016 general election, says Texas Attorney General Ken Paxton. Late Tuesday, Paxton announced that Marites Canete Curry, a noncitizen Navarro County resident, was charged with one count of illegal voting following an investigation by the AG's election fraud unit. According to the AG's office, Navarro County election records indicated Curry illegally registered to vote in June prior to casting a ballot in November 2016. In Texas, illegal voting is a second-degree felony punishable up to 20 years in prison and a up to a \$10,000 fine. From 2005 to 2017, the attorney general's office prosecuted 97 defendants for numerous voter fraud violations, according to the press release. In 2018, Paxton's election fraud unit, with the assistance of a criminal justice grant from the office of Texas Governor Greg Abbott, prosecuted 33 defendants for a total of 97 election fraud violations. This included investigations and/or prosecutions involving non-citizen voting.

cases, as was reported by Breitbart News.

## REDISTRICTING

### **Texas: Trump Administration Opposes a Return to Federal Oversight for Texas Redistricting, Reversing Obama-Era Stance**

In the latest about-face on voting rights under President Donald Trump, the U.S. Department of Justice no longer supports efforts to force Texas back under federal oversight of its electoral map drawing. In legal filings this week, the Justice Department indicated it would side against the voters of color, civil rights groups and Democratic lawmakers who want a three-judge federal panel in San Antonio to require Texas to seek pre-approval of its legislative and congressional maps, given previous maps that the federal judges ruled discriminatory. "The United States no longer believes that [federal supervision] is warranted in this case," federal attorneys said in their filing to the court. It's the latest twist in the high-stakes legal fight that could return Texas to the days when it couldn't make changes to its maps without the Justice Department or a federal court first ensuring that state lawmakers weren't infringing on the political clout of voters of color — a voting rights safeguard that was in place for decades until 2013. And it's the most recent reversal by the Justice Department in the case.

### **Wisconsin: Democrats Oppose Delay of Wisconsin Redistricting Case**

Democrats challenging Republican-drawn political maps in Wisconsin are opposing a request by the GOP-controlled state Assembly to delay a trial scheduled to start in April. Attorneys representing Democratic voters on Monday said in a federal court filing that Republicans are trying to "run out the clock on the 2011 gerrymander." They say delaying the trial as requested would make it "nearly impossible" to get a final decision from the U.S. Supreme Court before the 2020 elections. The Legislature will draw new maps in 2021, based on the 2020 Census. Assembly Republicans earlier this month asked the court to delay the trial until after the U.S. Supreme Court rules in a pair of other gerrymandering cases in North Carolina and Maryland that would affect the Wisconsin lawsuit. Democratic Wisconsin Attorney General Josh Kaul took no position on the GOP delay request.

#### **The American Civil Rights Union**

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Alexandria, VA 22314

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, October 09, 2018 2:30 PM EDT

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Litigation Continues Over Census Bureau Asking Citizenship Question; More Attacks on the Electoral College; California Governor Brown Vetoes Non-Citizen Voting Legislation

In ongoing litigation over whether the Census may ask for citizenship status, [Justice Ginsburg](#) is leaving the door open for the Trump administration to ask the Supreme Court for a permanent block from questioning two key officials. A [new Rasmussen poll](#) shows voters want voter ID at the polls, and there is [similar support in North Carolina](#) for a voter ID amendment. Socialist Alexandria Ocasio-Cortez calls for [abolishing the Electoral College](#) because it is a “shadow of slavery’s power.” And in a surprise, California Governor [Jerry Brown vetoed a bill](#) that would granted non-citizens voting rights. Get the details in this edition of the [Election Integrity Bulletin](#).

## LEAD

### Justice Ginsburg Stops Effort to Block Officials' Census Lawsuit Depositions, For Now

This week, the Trump administration moved the legal fight over its plan to add a question about citizenship status to the 2020 census to the U.S. Supreme Court. Justice Ginsburg denied the administration's request for the Supreme Court to temporarily block lower court-ordered document requests and depositions of two key Trump administration officials behind the question: Commerce Secretary Wilbur Ross and Justice Department official John Gore. She left the door open, however, for the administration to come back and ask the high court to permanently block plaintiff's attorneys from questioning Ross and Gore under oath.

## FEDERAL

### Rasmussen: Voters Want IDs at the Polls, Don't See Them as Discriminatory

A new Rasmussen Reports national telephone and online survey finds that 67% of Likely U.S. Voters think voters should be required to show photo identification such as a driver's license before being allowed to vote. This is down slightly from 70% a year ago but down from a high of 82% in 2010. Support for voter ID requirements has mostly run in the mid-to-high 70s in surveys since 2006. Twenty-eight percent (28%) do not want voter ID laws, up slightly from earlier surveys.

### Breitbart: Alexandria Ocasio-Cortez Calls for Abolishing Electoral College: 'Shadow of Slavery's Power'

Alexandria Ocasio-Cortez, the Democrat Party's rising socialist star running to represent New York's 14th District in Congress, called for the electoral college to be abolished on Saturday, moments after then-Supreme Court nominee Brett Kavanaugh was confirmed by the Senate. Ocasio-Cortez, tweeted her support for the process to be eliminated. “It is well past time we eliminate the Electoral College, a shadow of slavery’s power on America today that undermines our nation as a democratic republic,” she tweeted.

## STATES

### Alaska: Over a Month Later, No Answers on Alleged Primary Voter Fraud

It's been just over a month since the Alaska Division of Elections reported potential voter fraud in the state's primary – and still, no answers from the Alaska Department of Law on whether it's investigating. In the East Anchorage House District 15 race, people who were legally dead requested ballots and large numbers of votes were cast from single homes in the same trailer court.

### California: California Gov. Jerry Brown Vetoes Bill to Give Non-Citizens Voting Rights

On Thursday, California Gov. Jerry Brown vetoed two bills that would have granted non-citizens extraordinary rights within the state. One proposal would have allowed non-citizens, including undocumented immigrants, to serve on state boards and commissions.

### Kentucky: Attorney General Beshear Appoints Independent Counsel to Investigate Allegations against Secretary of State Grimes

FL-SOS-19-0410-A000089



Attorney General Andy Beshear has appointed an independent counsel to examine allegations against Secretary of State Alison Lundergan Grimes, including that her office misused voter data and potentially violated Kentucky's personnel laws. Among those allegations are claims that Grimes' staff used the voter registration database to look up the party affiliation of merit staffers while they were applying for a job at the state board of elections and to look up the party affiliations of current state board of elections staff.

### **Nebraska: Stark differences on voter ID split secretary of state candidates**

After 18 years in office, John Gale said he will not pursue another term as Nebraska's secretary of state, elevating the campaign to fill the vacancy of the statewide position. Bob Evnen, a Republican from Lincoln, and Spencer Danner, a Democrat from Omaha, hope to replace Gale as the state's chief election officer, ambassador and record-keeper. Evnen, 65, supports requiring voters to show identification before they cast a ballot, a Republican-backed proposal that has been introduced and defeated in several recent legislative sessions.

### **Nevada: Nevada Sets Registered Voter record, Nonpartisan Voters Reach All-Time High**

The November 2018 midterm election is around the corner and the key battleground state of Nevada has just set a new record for registered voters. The Nevada Secretary of State's Office is reporting 25,041 people registered in September, bringing the statewide total to 1,519,082 voters.

### **North Carolina: Debate focuses on voter ID amendment**

A proposed constitutional amendment requiring a photo ID to vote has sparked significant controversy in state politics. The amendment, which will appear on the November ballot, represents a second attempt at enacting photo ID rules for state voters. Civitas Institute polling finds North Carolina voters appear to broadly support requiring a photo ID to vote.

### **North Dakota: North Dakota Officials Tell Tribes of Election, Voter ID Requirements**

North Dakota is going ahead with requiring residents to provide a street address in order to vote on Election Day, even though some American Indian tribes have argued in federal court that they sometimes aren't assigned on reservations. Secretary of State Al Jaeger's office notified the state's five tribes by email late Friday of North Dakota voter ID requirements.

### **Texas: Roma Woman Arrested on Voter Fraud Charges**

A Roma woman was arrested Thursday evening on multiple voter fraud charges relating to the November 2018 general election, confirmed 229th District Attorney Omar Escobar. Modesta Vela, 60, was arrested by investigators with the 229th District Attorney's Office on felony charges of illegal voting, knowingly possessing a ballot or ballot envelope of another person with the intent to defraud, and election fraud, in addition to a misdemeanor unlawful assistance of a voter charge.

### **Vermont: Montpelier Puts Noncitizen Voting on Ballot; Winooski Delays Action on Measure**

Montpelier citizens will be going to the polls on noncitizen voting in November while Winooski city leaders have hit the brakes — for now.

## **REDISTRICTING**

### **Maryland: Court suggests settlement talks in congressional redistricting case**

A federal court on Thursday suggested settlement discussions be pursued in a case in which Republican voters in Maryland's 6th Congressional District want to toss out a map they say was unfairly crafted to benefit Democrats. The three-judge panel made the recommendation during a hearing on the case.

### **Virginia: Va. GOP leader Cancels Vote on Redistricting Plan, Accuses Governor of Partisan Obstruction**

Virginia House Speaker Kirk Cox has canceled the legislative session he had set for Oct. 21 to take up a state redistricting plan, citing Gov. Ralph Northam's opposition. Without action by the General Assembly, the court will redraw the boundaries itself.

**The American Civil Rights Union**

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, March 19, 2019 9:41 AM EDT

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Nancy Pelosi wants "to capture" kids by registering them to vote; Hillary Clinton gets facts wrong

EMAIL RECEIVED FROM EXTERNAL SOURCE

Nancy Pelosi wants ["to capture" kids by registering them to vote](#); [Hillary Clinton gets facts wrong](#) – again; and House Democrats want [California's disastrous automatic registration to be model](#) for rest of nation. Some hopeful signs -- [citizenship measure on Florida 2020 ballot?](#) FBI investigating [vote fraud in New Jersey](#); [North Carolina wants tighter rules on absentee voting](#); and Wisconsin election commission [looks for and finds voter fraud](#). Supreme Court to decide [fate of redistricting](#) – hearing oral arguments on March 26th. [And more ...](#)

LEAD

**Nancy Pelosi Backs 16-year-olds Voting: 'Capture Kids When They're in High School'**

Speaker of the House Nancy Pelosi (D-CA) said Thursday that the voting age should be lowered to 16 years old, telling reporters on Capitol Hill, "I think it's really important to capture kids when they are in high school when they are interested in all of this, when they are learning about government, to be able to vote." As *USA Today* noted, the House actually defeated an amendment to the bill by Rep. Ayanna Pressley (D-MA) that would have lowered the age for voting to 16 in federal elections. The vote was 305-126 against the idea.

FEDERAL

**Breitbart: Kobach: If You Wanted to Pass a Law to Encourage Voter Fraud**

On March 8, on a party line vote, Nancy Pelosi's Democrats in the House of Representatives passed H.R. 1, dubbed the "For the People Act of 2019." It is a massive federal intrusion into the states' constitutionally-protected realm of regulating and maintaining voter rolls. It's also a recipe for voter fraud. Republicans in the House correctly derided it as a "voter fraud and election theft" bill. But that understates how bad it is. H.R. 1 rolls out the red carpet for election fraud.

**Fact Check: Fact-Checking Clinton's Voter Suppression Claims**

In remarks in Alabama, Hillary Clinton took aim at state laws that she said disenfranchise minority voters. But she went too far in a couple of instances when discussing the impact of Wisconsin and Georgia laws in the 2016 election, when she ran for president: Clinton said the "best studies" show that "somewhere between 40[000] and 80,000 people were turned away from the polls" in Wisconsin because of the state's voter ID law. Clinton falsely claimed that "there were fewer voters registered in Georgia [in 2016] than then there had been those prior four years" in 2012. In fact, there were nearly 571,000 more registered voters in the 2016 election, state records show. We went to the Georgia Secretary of State's website for registration data, and we found that she was wrong.

**Daily Signal: America Doesn't Need Automatic Voter Registration. Just Look to California.**

Lawmakers on Capitol Hill have held up California's new, error-plagued automatic voter registration program as a model for the nation and are now pushing for a nationalized version of the program in a bill called the For the People Act. The bill would require all states to implement automatic voter registration systems, which advocates claim would improve the accuracy of voter registration rolls, prevent ineligible people from registering, help election officials do less work to keep voter registration records accurate, and make it easier for eligible voters to register or update their registration records. Yet since California started its own automatic voter registration program last April, exactly the opposite has happened. California enacted its law back in 2015 and officially launched the voter registration system in April 2018. That three-year gap should have been plenty of time for state officials to develop a smooth rollout. Apparently, it was not.

STATES

## **Colorado: Gov. Polis Signs National Popular Vote Bill into Law**

Gov. Jared Polis signed the controversial national popular vote bill into law Friday. The new law requires Colorado electors to the Electoral College vote for the winner of the national popular vote for president and not the winner of the Colorado popular vote. The measure would only take effect if states with a total of 270 electoral votes agree to do the same. Currently, 11 states have joined the “interstate compact” authorizing the national popular vote.

## **Florida: Couple Leads Push for Voter Referendum that Targets Noncitizens Voting**

Gina Loudon has proudly proclaimed Donald Trump to possibly be the “most sound-minded” president in the nation’s history and boasted about spending time with him on Air Force One. She even once appeared as a “staunch tea party activist” on the television show “Wife Swap” to promote her conservative family values. Now, the West Palm Beach-based political commentator and her husband have a new mission — pushing a ballot initiative that would change the Florida Constitution to specify that “only a citizen” can vote. The couple’s recently formed group — Florida Citizen Voters — already has raised nearly \$2 million to fund the petition drive needed to get the question on the 2020 presidential ballot. That makes it the top fundraiser this year among Florida political committees so far.

## **Indiana: Secretary of State Calls for Porter County Officials to Be Fired after Election Mess**

In a scathing report on Porter County’s chaotic November general election, the Indiana Secretary of State noted toxic behavior and dysfunctional relationships created a wide swath of problems for voters and poll workers alike, placing the blame squarely on three people involved in election duties. “Porter County voters deserve better,” Secretary of State Connie Lawson said in a report on the election released Wednesday. Lawson blamed the problems on former Clerk Karen Martin; Democrat J.J. Stankiewicz, now president of the county election board; and Kathy Kozuszek, Democratic director in the Porter County Voter Registration Office. She called on Kozuszek and Stankiewicz to resign.

## **New Hampshire: Student Who Voted Twice in 2016 Was Told to by Town or Liberal Activist**

The lawyer for a University of New Hampshire student who pleaded guilty to voter fraud in the 2016 election said someone associated with either a town election official or activists with NextGen America had told the Massachusetts man he could cast a New Hampshire ballot. Attorney Scott Bratton of Lowell, Mass., said Spencer McKinnon, now 21, to this day remains foggy about who gave him that advice, which prompted him to vote in Durham on Nov. 8, 2016, after he had already sent in an absentee ballot in Dracut, Mass., where he lived. McKinnon told state investigators “an adult” led him astray on Oct. 26 upon signing up to be an eligible voter during a three-hour voter registration drive in a dining hall on the UNH campus. “Someone, an adult, told him that it would be OK for him to register to vote in Durham as long as he changed his address,” Bratton said.

## **New Jersey: FBI Questions Dover Officials About Undocumented Immigrants Voting, Sources Say**

Federal Bureau of Investigation agents are interviewing Dover Democratic leaders and volunteers today about local politics, including questions about undocumented immigrants voting in the 2018 primary election, two sources confirmed. FBI agents appeared at the homes and workplaces of several local officials this morning, the sources said. Among those questioned were supporters of Dover First, an insurgent group that won control of the local Democratic party last June and ousted three incumbent aldermen. One of the defeated incumbents, Ronald Camacho, alleged voter fraud after Carlos Valencia beat him in the primary by twelve votes.

## **North Carolina: After 9th District Fraud, Elections Officials Want Tighter Rules for Absentee Ballots...**

In the wake of fraud that has forced a new election in the 9th Congressional District, North Carolina elections officials called Wednesday for tighter rules on how mail-in absentee ballots are requested and submitted. The State Board of Elections ordered a new 9th District election last month after a four-day hearing turned up evidence that someone hired by Republican Mark Harris’ campaign was illegally collecting absentee ballots from Bladen County voters and, in some instances, even completing ballots where votes weren’t cast in some races. Kim Strach, state elections director, asked lawmakers for help to make such fraud more difficult and to punish offenders more severely. “We think it’s important that we send strong messages, and by making those penalties tougher, we hopefully will deter people from actually

FL SOS-19-0410-A000093

engaging in these activities," Strach told members of the House Elections and Ethics Law Committee.

### **Texas: GOP Representatives Support Citizenship Census Question**

Lawmakers spent hours questioning Commerce Secretary Wilbur Ross over why he approved the inclusion of a citizenship question on the 2020 Census. Ross appeared before the House Oversight and Reform Committee Thursday. Two Texans sit on that committee, both of them Republicans. Rep. Chip Roy represents the Austin area. During the hearing, he made impassioned remarks in support of asking people their citizenship status. "I want the question to be asked," he said. "I just want to know as a member of Congress, I'd like to know how many citizens we have in the United States of America and I'd like to know who's here who is not a citizen." Rep. Michael Cloud of Victoria, Texas also expressed support for a citizenship question on the Census. Cloud challenged the idea that including this question is unlawful, noting it's been asked numerous times as part of the American Community Survey. That survey is conducted each year and sent to about 3.5 million households, but the Census Bureau has not asked all households in the country about U.S. citizenship since 1950. The Supreme Court will hold a hearing on the question next month.

### **Wisconsin: Election Commission: Review Found 24 Suspected Voter Fraud Cases**

The Wisconsin Election Commission says its statewide review of elections in the past year have turned up two dozen cases of suspected voter fraud or irregularities. The State Journal says the violations reportedly include people voting twice in an election, felons casting ballots and a non-citizen voter. The possible cases are just a tiny fraction of the 2.7 million votes cast in the November midterm elections. Municipal clerks are required to report the cases to the commission and to their county's district attorneys who decide whether to pursue the suspected fraud. The cases of possible voter fraud happened between Feb. 16, 2018 and Feb. 15, 2019. The year before, seven potential voter fraud cases were found.

## **REDISTRICTING**

### **Maryland: Redistricting Case to Be Heard by U.S. Supreme Court**

The U.S. Supreme Court will hear oral arguments for two cases on congressional district gerrymandering on March 26, including one from Maryland, which could have far-reaching implications on how future electoral maps are drawn. The justices could, for the first time, issue a standard for determining unconstitutional partisan gerrymandering. At the heart of both the Maryland and North Carolina cases are accusations of redrawing district boundaries in order for one party to gain an advantage over the other in the states. At issue in the Maryland case, *Benisek v. Lamone*, is whether the state's 6<sup>th</sup> Congressional District was gerrymandered by the Democratic-led state legislature in 2011 in order to flip that district blue.

### **Ohio: Congressional Map in Hands of Federal Judges**

The future of Ohio's congressional district map is in the hands of three federal judges. Testimony concluded Wednesday about a lawsuit charging that the GOP-controlled redistricting resulted in an unconstitutional partisan gerrymandering. After considering post-trial legal briefs from attorneys, Judges Timothy Black, Karen Nelson Moore and Michael Watson are expected to rule within weeks on a case that could potentially result in a change of the congressional map for 2020 elections.

### **Virginia: Redistricting Battle Takes Shape at High Court**

Beginning a two-week stretch in which gerrymandering returns to the high court, the justices of the Supreme Court will consider on Monday whether the Virginia Legislature improperly carved up its map to disadvantage black voters. This will be the second time the map Virginia lawmakers drew in 2011 comes to the Supreme Court, as the justices previously sent the case back to U.S. District court after finding the three-judge panel there that upheld the map used the wrong standard. Unlike with partisan gerrymandering, which the justices will consider later this month, the Supreme Court has developed a clear standard by which to judge claims of racial gerrymandering. Over a line of cases stretching back to the 1990s, the court has determined that a map is an unconstitutional racial gerrymander if race is the predominant factor on which it was drawn.

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, December 04, 2018 8:08 AM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: NC Elections Board Chair Resigns Amid Mail Ballot Fraud Investigation; Former AG Holder Has A Target List - Did Your State Make It?

#### EMAIL RECEIVED FROM EXTERNAL SOURCE

Amid the [mail ballot fraud investigation](#) into the North Carolina District 9 race, the [State Elections Board Chair resigns](#) over anti-Trump tweets. After passage statewide, [North Carolina voter ID legislation](#) makes its way through the legislature. Florida Governor [Scott suspends Broward's Brenda Snipes](#), appoints a replacement, and then [she rescinds](#) her prior resignation. [Eric Holder announces](#) his redistricting state targets for 2020, and [MI](#), [NJ](#) and [VA](#) make redistricting news. Read all about it in [this week's EIB](#).

#### LEAD

##### North Carolina: Amid Investigation, N.C. Elections Board Chairman Resigns after Anti-Trump Tweets

The chairman of North Carolina's elections board has resigned following complaints about comments he's made online criticizing President Donald Trump. Andy Penry resigned Saturday from the State Board of Elections and Ethics Enforcement. The Democrat said he was leaving the board because he did not want to undermine an ongoing probe of potential wrongdoing in the state's 9th Congressional District. Wake County GOP Chairman Charles Hellwig filed a complaint Wednesday and provided images of what appear to be tweets from Penry's account this year criticizing Trump and a proposed constitutional amendment.

#### FEDERAL

##### EAC Finally Nearing Ability to Take Major Action

Congress will move closer to giving the Election Assistance Commission a full quorum of members today, when the Senate Rules Committee holds a confirmation hearing for President Donald Trump's two EAC nominees, Donald Palmer and Benjamin Hovland. The tiny federal agency, which plays a key role in mediating conversations between state election officials and federal agencies like DHS, currently only has two members, and it needs three to vote on major policy decisions. It has lacked a quorum since March 23, when Matt Masterson, its former chairman, left following the expiration of his term and joined DHS. That lack of a quorum has threatened progress on a major EAC priority, the 2.0 update to its Voluntary Voting System Guidelines, which many states adopt as their voting system regulations.

##### Breitbart: Dem Rep.-Elect Hill: We're 'Prioritizing' Voting and Campaign Finance Legislation

Representative-elect Katie Hill (D-CA) touted H.R. 1, legislation that pertains to campaign finance, the Voting Rights Act, gerrymandering, and automatic voter registration. "Hello, my name is Katie Hill, the member-elect from California's 25th Congressional District. Under the Democratic Majority, H.R. 1 of the 116th Congress will be a bill that focuses on giving power back to people, not corporations or special interests. It will establish automatic voter registration, strengthen the Voting Rights Act and put an end to partisan gerrymandering. H.R. 1 also works to limit undue influence of big money by mandating more transparency and disclosure of political donations, fighting back against *Citizens United*, and creating a new 21st-century campaign finance system that empowers ordinary Americans.

##### Washington Times: Bipartisan Senate Bill Would Strengthen Election Security with U.S. Allies

A pair of senators introduced bipartisan legislation aimed at easing the State Department's ability to share election security information with allies to combat disinformation campaigns, tackle voter fraud and thwart database hacks. Proposed by Sen. Dan Sullivan, Alaska Republican, and Sen. Amy Klobuchar, Minnesota Democrat, the Global Electoral Exchange Act would set up exchange programs between the U.S. and overseas partners to promote best practices among election officials to strengthen democracy around the world. The bill also authorizes State Department officials to provide grants to U.S. nonprofit organizations that specialize in election security to work with similar overseas organizations to protect their democracies from threats posed by countries like Russia and Iran.

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## STATES

### **Alaska: Alaska House Control Flips to GOP by One Vote After Recount**

It appears that the Republican candidate for House District 1 has won a recount by one vote, securing a narrow majority in the house for the Republican Party. The Division of Elections announced that a bipartisan State Review Board had certified the results as of Friday afternoon. Candidate Barton LeBon received 2,663 votes while candidate Kathryn Dodge received 2,662 votes after the recount. The seat hinged on ballots that had either been spoiled or rejected. "During the review, election officials identified a ballot that had been initially rejected based on the voter's registration. The voter in question was a felon who had been off of probation since 2017," reads the release from the Division of Elections. "Per state law, felons no longer in probation status can have their voting rights reinstated. Following the division's research of the voter's eligibility, it was determined that their ballot should count, which was marked for LeBon."

### **California: What is 'Ballot Harvesting,' and How Did California Dems Use It to Nuke the GOP?**

The stunning turnaround in California, of all states, can be attributed to several factors, as conservative critics like The Federalist's Bre Payton wrote, but the most significant of those seemed to be the practice of "ballot harvesting." Passed as a barely noticed change in the state's vote by mail procedures in 2016 and signed by then-Governor Jerry Brown, California's AB 1921 allows voters to give any third party — not just a relative or someone living in the same household, as was previously the law — to collect and turn in anyone else's completed ballot. Called "ballot harvesting," critics say the practice is ripe for fraud. Consider "Lulu," who was recorded trying to "harvest" what she thought was a Democratic voter's ballot in Rep. Knight's district. It's a "new service," said Lulu, for "like, people who are supporting the Democratic party." The San Francisco Chronicle reported that 250,000 such ballots were used in Orange County alone, resulting in a Democratic sweep there.

### **Florida: Scott Suspends Broward County Official Brenda Snipes Over 'Widespread Issues with Voting'**

Outgoing Florida Gov. Rick Scott (R) issued an executive order on Friday to immediately suspend Broward County election chief Brenda Snipes following widespread criticism of the county's vote tallying in November's midterm elections. "Every eligible voter in Florida deserves their vote to be counted and should have confidence in Florida's elections process," Scott said in a statement. "After a series of inexcusable actions, it's clear that there needs to be an immediate change in Broward County and taxpayers should no longer be burdened by paying a salary for a Supervisor of Elections who has already announced resignation." Scott, one of Snipes's fiercest critics, cited "widespread issues with voting" and "misfeasance, incompetence and neglect of duty" as reasons for suspending the election official. Voting in Broward County this cycle took longer than other Florida counties and was marred by allegations of misconduct by election overseers.

### **Florida: Brenda Snipes Rescinds Resignation as Broward County Elections Chief**

Brenda Snipes has rescinded her resignation as Broward County elections supervisor, vowing to fight the immediate suspension slapped on her by outgoing Republican Florida Gov. Rick Scott for alleged misconduct. Snipes' change of heart was announced by Burnadette Norris-Weeks, counsel to the Broward County supervisor of elections' office, on Saturday, following Scott's signing of an executive order Friday to replace Snipes, a Democrat, with Republican Peter Antonacci, Scott's former general counsel. Scott, who is set to join Congress in the new year as the next senator from Florida, cited complaints against Snipes for "misfeasance, incompetence and neglect of duty." It is unclear how the order will affect the \$71,000 a year pension Snipes was due to receive when she stepped down from the post.

### **Georgia: Despite Claims of Suppression in Georgia, Registration and Turnout Increased Under Kemp**

"Brian Kemp oversaw for eight years the systematic and systemic dismantling of our democracy, and that means there could not be free and fair elections in Georgia this year." If Kemp, as Abrams claims, sought to disassemble democracy in Georgia, he failed by every measure. Not only has overall voter registration increased by 20 percent since Kemp took office as Georgia's secretary of state, but final tabulations indicate turnout in 2018 dwarfed previous midterm elections. This year, over 3.9 million individuals cast a ballot in Georgia's gubernatorial election. By comparison, only 2.5 million in 2014 and 2.4 million in 2010.

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million in 2010. Georgia's total voter turnout this year was 55 percent, nearly 17 percentage points higher than 2014 and 14 percentage points greater than 2010. In 2018, the turnout totals rivaled prior presidential election years. In 2016, more than 59 percent of registered voters—or about 4 million—cast a ballot in Georgia, with similar numbers in 2012.

### **Georgia: Primary Do-Over**

Amid the runoffs, one Georgia primary election is being redone after a judge found the original vote in May was tainted by errors. State Rep. Dan Gasaway faces fellow Republican Chris Erwin in a primary do-over Tuesday in Georgia's northeast corner. Gasaway's 28th House District seat includes about half of Habersham County as well as Banks and Stephens counties. The candidates first clashed in the May 22 primary, which Erwin appeared to win by 67 votes. But a Superior Court judge ordered a new election after Habersham County officials acknowledged mapping mistakes led to some voters being assigned to the wrong House district. No Democrats ran for the seat. That means whoever prevails in this second round of GOP primary voting will be sworn in when the legislature reconvenes in January.

### **New Jersey: How an Increase in Mail-in Ballots Complicated the 2018 Election**

Allegations of voter fraud are common in Atlantic City, and sometimes pop up in other towns — usually over suspected mishandling of mail-in ballots. Use of the paper ballots, which hit a high of almost 12,000 of 96,000 votes cast in Atlantic County this November, is increasing with each election. That trend worries those concerned about ballot tampering and encourages those focused on increasing voter participation. The question is: How can election officials avoid both the reality of voter fraud and the perception of it, which undercuts faith in the electoral process, while allowing people access to the convenient form of voting? Unlike the machine count and provisional ballots, mail-ins are not overseen by election workers at all times. They go out through the mail and come back that way. "That means there is more opportunity for tampering with mail-ins than any other type of ballot", said Republican Freeholder Chairman Frank Formica.

### **North Carolina: Voter ID Bill Passes State Senate**

A proposed voter ID bill that follows a newly approved state constitutional amendment is halfway toward the governor's desk after passing the Republican-led N.C. Senate on Nov. 29, mostly along party lines. "I'm very supportive of the bill and the passage, as it's what the public has voted on," Sen. Deanna Ballard (R-Blowing Rock) said regarding her 'yes' vote. "Over 55 percent voted in favor of voter ID (in the election), and I'm happy to work toward appropriate language (for the bill)." The measure, Senate Bill 824, is being taken up in a lame duck session that state Republicans planned in June.

### **North Carolina: Possible Voter Fraud Probed in Tight NC House Race**

It's been nearly a month since North Carolina voters cast their ballots for the 9th Congressional District, but officials are still holding off on certifying the winner amid an investigation of possible voter fraud pertaining to absentee ballots.

### **Ohio: Clean Up Voter Registration Rolls**

Claims of "voter suppression" have sunk to new, ridiculous lows in many parts of the United States. Good for Ohio Secretary of State Jon Husted for refusing to be cowed by them. Like conscientious chief election officers in many states, Husted thinks Ohio's voter registration rolls should be cleaned up. But when Husted, a Republican, decided to do that, liberals cried "voter suppression." A lawsuit was filed to block him. In June, the U.S. Supreme Court ruled in Husted's favor. He decided to postpone implementation of the program until after the Nov. 6 election. Keeping voter registration rolls packed with people who do not exercise their franchise, who no longer live where they were once — or who have been dead for years — serves no one. Changing that is not "voter suppression," it is common sense.

### **Wisconsin: GOP State Lawmakers Look to Limit Early Voting In Lame Duck Session**

State lawmakers will vote next week on a number of Republican-backed proposals, including a plan to limit early voting in Wisconsin. The so-called "extraordinary session," approved by legislators on Friday and scheduled to begin Monday, is aimed at passing a number of new laws before Democratic Gov.-elect Tony Evers takes office in January. One proposal would trim several days off Wisconsin's early voting window — a move opponents have argued is aimed at suppressing certain voting populations, including students

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and minorities.

## REDISTRICTING

### Free Beacon: Eric Holder-Led Group Releases State Target List Leading Up to 2020

A group focused on congressional redistricting efforts backed by President Barack Obama and led by former attorney general Eric Holder, a potential Democratic presidential contender, released a map of the states the organization will target leading up to the 2020 elections. A fundraising email reads. "We have red states, blue(-ish) states, and purple states on our list—but they're all states where we need to stop or prevent Republican gerrymandering."

### Michigan: Dispute Over Republican-Drawn District Maps Will Go to Trial

A three-judge panel has cleared the way for a trial that could upset districts in the Michigan Legislature and the state's congressional delegation. The panel says Democrats so far have presented sufficient evidence that constitutional rights were violated when Democratic areas were packed in certain districts or spread among many districts to dilute their influence. The panel of federal judges says emails exchanged by map makers "illustrate the profound extent to which partisan political considerations" were at play.

### New Jersey: To Combat Gerrymandering, N.J. Democrats Propose Drawing Maps to Entrench Their Power

New Jersey Democrats are seeking to amend the state constitution in a way that would entrench their power in Trenton. The proposal has drawn sharp criticism from experts who warn it would allow Democrats to unfairly draw the state's legislative districts in their favor. A group led by prominent national Democratic figures called it "a major step in the wrong direction."

### Virginia: Virginia GOP Asks Delay in Redistricting

Virginia Republicans have asked a federal court to delay Virginia's 2019 primary schedule for three months to enable the U.S. Supreme Court to settle a redistricting lawsuit. Republicans formally asked the court Wednesday to suspend efforts to redraw 11 House districts found to be racially gerrymandered.

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, February 19, 2019 3:15 PM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Supreme Court agreed to an expedited review of 2020 census including a question on U.S. citizenship; will also hear a Republican appeal of the U.S. District Court for decision that approved district boundaries

#### EMAIL RECEIVED FROM EXTERNAL SOURCE

The Supreme Court has agreed to an [expedited review](#) of the 2020 census including a question on U.S. citizenship; the Court will also hear a Republican appeal of the U.S. District Court for Eastern Virginia's decision that approved district [boundaries for the Virginia House of Delegates](#). While the National Popular Vote movement is [seeking to destroy the value of rural Americans' votes](#); new election jargon is under scrutiny as ["ballot harvesting"](#) is being exposed for the threat it truly is, and ["voter suppression"](#) is debunked as a study concludes Voter ID laws do not depress turnout. [Alabama official acknowledges](#) frequent absentee vote fraud; [New Hampshire's "Dixville Notch"](#) under scrutiny for election fraud; and [New Mexico audit suggests](#) absentee ballot fraud in its 2<sup>nd</sup> Congressional District. [Indiana rejects expanding absentee ballot time](#); while [South Carolina elections director resigns](#) and Harris County, [Texas loses attempt to hide noncitizen](#) voter roll data from the public. Read [this week's EIB](#).

#### LEAD

##### Supreme Court to Decide if Census Can Check U.S. Citizenship

The Supreme Court will decide whether the 2020 census can ask every person in America if they are a U.S. citizen, granting review Friday on a legal challenge to that question and bypassing the federal appeals court in an extremely rare move not seen in many years. The Constitution commands in Article I, Section 2, that every ten years the U.S. government will conduct a nationwide census, and that congressional seats will be apportioned among the states based on those numbers. The Constitution mentions the census again in Article I, Section 9, Clause 4. The Supreme Court long ago handed down a series of cases holding that the Equal Protection Clause of the Constitution's Fourteenth Amendment requires that every state and federal legislative district within each state must represent the same number of people. The Court characterized this rule as, "One person, one vote." Those district lines are likewise based on census data.

#### FEDERAL

##### Townhall: The Stupidity of Ballot Harvesting and How it Steals Elections

There is another new term in our lexicon – "ballot harvesting." It has begun to spread across the country and there could not be anything that is more destructive to protecting the sanctity of our democracy than this idea. Just look at North Carolina and California. Ballot harvesting is the process where organized workers or volunteers--people you don't know--collect absentee ballots from voters and drop them off at a polling place or election office. It makes sense that the same people who encourage ballot harvesting are against voter ID laws or having county registrars clean the voter rolls. It is not a farfetched idea to think they have ulterior motives other than getting a higher voter turnout. If they do not have an ulterior motive when they are ballot harvesting, why are they only doing that at homes they believe support their partisan interests instead of all homes to enhance the overall voter turnout? This is for purely partisan political interests; thus, it is obvious to common-sense minds that there will be fraud involved. Someone will take the process to the limit and then exceed the limit.

##### National Popular Vote: Making Every Vote Unequal

Anti-Electoral College advocates see a window of opportunity to eliminate America's unique presidential election system. They are seizing the moment, working to implement change before anyone realizes what happened. They even think they can do it without a constitutional amendment. National Popular Vote (NPV) is a California-based effort that has been running under the radar. Its proponents ask state legislatures to agree to an interstate compact. By the terms of that simple contract, each participating state would agree to allocate its entire slate of electors to the winner of the national popular vote. This is a change from the current system in which states award electors based on the internal state popular vote.

NPV claims it is simply using constitutional provisions in a unique way. In reality, the compact would

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effectively eliminate the Electoral College. NPV's plan goes into effect when states representing 270 electoral votes (enough to win the presidency) have agreed to the compact. To date, 11 states plus D.C. have approved the measure. Those states hold 172 electoral votes among them. NPV hopes to reach 250 electors by the end of the year. They would need just 20 more during the early months of 2020 to put their plan into action before the presidential election.

### **Fox News: William Barr is Our New Attorney General -- Here are Four Things He Should Focus on Right Away**

With the confirmation of William Barr as the 85th Attorney General of the United States, we now have an experienced hand leading the Department of Justice. At his confirmation hearing, Barr vowed to focus on violent crime, enforce our immigration laws, and protect the right to vote. But our country faces many additional challenges today, many of which require the active involvement of the Attorney General. Barr testified that election integrity is one of the "foundations of our Nation" that is fundamental "to the peaceful transition of power through elections." There is much to be done in this area, particularly because it is something the prior administration entirely neglected. That includes everything from finally going after states that refuse to maintain the accuracy of their voter registration rolls as required under federal law, to prosecuting election crimes such as aliens who illegally register and vote.

### **Townhall: 'Suppression,' Debunked: Study Concludes Voter ID Laws Do Not Depress Voter Turnout**

One pillar of dogma among leftist activists is that voter ID laws, under which citizens are required to present a valid form of identification in order to cast ballots in elections, amount to insidious and racist forms of "voter suppression." That term deserves to be placed in scare quotes because it's often employed as a catch-all phrase to describe any policy or idea that liberals believe would reduce their chances of winning. Voter ID laws have been upheld by the Supreme Court as constitutional and enjoy overwhelming public support -- including approval from large majorities of racial minorities, who evidently don't share the professional Left's racialized hysteria.

## **STATES**

### **Alabama: Alabama Absentee Voting Fraud Happens 'Frequently,' Prosecutors Letting it Slide**

Alabama Secretary of State John Merrill testified in front of the U.S. House Homeland Security Committee Wednesday, warning against "federal overreach" and advising that absentee voting fraud occurs in the state "frequently" but is seldom prosecuted in local jurisdictions. This legislation championed by the leftwing of the national Democratic Party, entitled the "For the People Act," proposes a massive overhaul of the federal election and campaign finance systems. He added that H.R. 1, if it were to pass against all odds, would not be able to be adhered to on the timeline mandated by the legislation because the federal government and most state agencies across the nation "move at the speed of government."

### **Colorado: National Popular Vote Legislation Clears Committee, Heads to House Floor**

A stark divide in electoral political philosophy was on display Tuesday at a House committee hearing on a bill that would make fundamental changes in the way Colorado's presidential electoral votes are counted. The bill was passed on a party line vote by the Democrat majority. Senate Bill 19-042, titled "National Popular Vote," proposes Colorado join a compact between states that requires member states to appoint electors "in association with the national popular vote (NPV) winner" and to give all their electoral votes to the NPV winner. The NPV totals for each candidate are determined by adding together the number of votes in each state "in which votes have been cast in a statewide popular election." Colorado's chief election official, the Secretary of State, is then required to declare which slate of presidential candidates is the NPV winner. The bill mandates that the slate of electors nominated "in association with" the national popular vote winner, meaning by the party involved, be appointed as electors.

### **Georgia: Stacey Abrams' False Claims About Election Integrity**

In her response on behalf of Democrats to the State of the Union address, Stacey Abrams employed more of the over-the-top rhetoric that has come to characterize political opposition in the age of Trump. After laying out her grievances against the president and offering few concrete policies, Abrams's speech pivoted to a harangue intended to perpetuate the liberal and media-driven myth that there is an epidemic of voter suppression going on in this country. Abrams' propagation of the voter suppression myth used to



condemn the efforts of states to safeguard elections does a disservice to our democratic system.

### **Indiana: House Rejects Effort to Give Voters More Time to Get Absentee Ballots**

Democrats in the Indiana House tried and failed in their efforts to assure that Hoosiers have more time to apply for an absentee ballot. House Bill 1311, authored by Rep. Thomas Saunders, R-Lewisville, would change the amount of time to apply for an absentee ballot from eight to 12 days before an election because local county clerks had said they needed more time to process them.

### **Michigan: Ex-Oak Park Elections Director Funneled Money to Husband, Indictment Claims**

A former elections director in a Detroit suburb is accused of paying her husband more than \$430,000 in a scheme to steal money. Stephanie Sumner was Oak Park's elections director from 2012 to 2015. She and husband Michael Sumner are charged with conspiracy and other crimes. An indictment accuses Stephanie Sumner of creating fraudulent invoices and listing her husband as a vendor. The government says the scheme started early in 2013 after they filed for bankruptcy in 2012. Not-guilty pleas were entered Monday by a judge in Detroit federal court. The charges include tax crimes. The government says the money wasn't reported on tax returns for 2013, 2014 and 2015.

### **Minnesota: St. Louis Park Woman Charged with Voter Fraud**

A 20-year-old St. Louis Park woman has been charged after authorities say she voted twice during elections held in October and November of 2017. According to a criminal complaint, Zameahia Jama Ismail faces one count of unlawful voting, a felony. The complaint said authorities were asked to investigate Ismail in May 2018 following an allegation that she voted twice in Hennepin County during the 2017 elections. Hennepin County elections officials provided documents that indicated she voted in both St. Louis Park and Minneapolis, the complaint said.

### **New Hampshire: 'First In The Nation' Voting Site Under Scrutiny For Alleged Election Law Violations**

The New Hampshire primary is tentatively scheduled for Feb. 11, 2020, which is only — or "still," depending on your tolerance for campaign coverage — about a year away. And for the past half-century, one of the most recognizable symbols of the Granite State's early electoral contest has been Dixville Notch's midnight vote. Since 1960, the citizens of this tiny hamlet about 20 miles south of the Canadian border have gathered at midnight to cast the first official ballots in the presidential race, while camera crews gather to cover a ritual that's viewed by many as democracy in its purest form. But State election investigators started scrutinizing its local voter checklist shortly after the 2016 presidential election, in response to complaints questioning whether everyone who was voting in Dixville Notch actually lived there. "The transparency of the media coverage is part of what led to the concerns that were raised with our office regarding Dixville Notch and whether there were irregularities with the 2016 elections," says New Hampshire Associate Attorney General Anne Edwards. Once investigators started looking more closely, it didn't take long to pinpoint those irregularities — because Dixville Notch's voter lists aren't very long. Fewer than a dozen people voted in Dixville Notch in 2016. Most of them, the state determined, probably should have voted somewhere else.

### **New Mexico: Audit Finds Signs of Fraud in New Mexico House Race**

An audit of absentee ballots suggests fraud may have occurred in one of the closest House races in the country, The Daily Signal has learned. Democrat Xochitl Torres Small squeaked by Republican Yvette Herrell in the final results of the Nov. 6 election. On election night, Herrell declared victory in the race to represent New Mexico's 2nd Congressional District. But as more votes were counted, Torres Small secured the win. The roughly 3,500-vote victory for Torres Small—out of about 200,000 cast in the southern New Mexico district—relied heavily on absentee ballots from Doña Ana County, the largest county in the district, including the Las Cruces area. The liberal Left continue to push their radical agenda against American values. The good news is there is a solution. A new audit report obtained by The Daily Signal alleges a "concerted effort" to push for absentee votes where New Mexico voter ID laws are not enforced. It also points to potential fraud in applying for absentee ballots and says a significant number of absentee ballots were time-stamped after the 7 p.m. deadline election night. The report was prepared for the losing Herrell campaign by Full Compliance Consulting LLC and Herrell campaign lawyer Carter B. Harrison.

## South Carolina: Richland County Elections Director Resigns

Richland County elections and voter registration director Rokey Suleman has resigned. Suleman informed the county elections board of his decision on Saturday, according to board chairwoman Jane Emerson. His resignation comes after The Post & Courier reported that about 1 percent of the 142,000 votes cast in last November's election did not get counted.

## South Carolina: Beaufort County Man Sentenced to Jail After Voting in Elections Even Though He Was Not a U.S. Citizen

State officials say an Eastern Carolina man pled guilty to a charge of voting by an alien. 72-year-old Dieudonne Soifils was registered to vote in 2012 after executing a voter registration form claiming to be a United States citizen under penalty of perjury. The Haitian citizen was assigned a polling station in Beaufort County where he voted in the 2012 and 2016 general elections for president, vice-president, and members of the House of Representatives. The Document and Benefit Fraud Task Force in the Eastern District of North Carolina lead by Immigration and Customs investigated Soifils. He was sentenced to 12 months' probation and a \$25 special assessment. The investigation into voting fraud is ongoing.

## Texas: Harris County Lost Another Attempt to Keep Hiding Noncitizen Voter Roll Data from the Public

A federal judge has denied the county's motion to dismiss a lawsuit filed by Public Interest Legal Foundation, a law firm dedicated entirely to election integrity. The foundation sued Harris County Voter Registrar Ann Bennett last year under a transparency provision of the National Voter Registration Act (NVRA), after Bennett's office refused a request for access to voter records. Section 8 of the NVRA, also known as the "Motor Voter" law, requires voter registration officials to let the public see "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." PILF requested access to records of registered voters identified through various sources as noncitizens, as well as any actions taken by the county regarding those registrations.

## REDISTRICTING

### Virginia: Federal Court Orders Virginia to Adopt New Map

A federal court on Thursday approved district boundaries for the Virginia House of Delegates redrawn by a court-appointed expert that will likely make it more difficult for House Republicans to defend their current 51-48 majority. Judges at the U.S. District Court for Eastern Virginia approved the new map in a 2-1 opinion. Republicans argued that the map "attempts to give Democrats an advantage at every turn." The U.S. Supreme Court has agreed to hear a Republican appeal of the lower court decision in March, a legal action that VPAP says could delay the primary elections from June until after Labor Day.

The American Civil Rights Union

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, October 16, 2018 8:55 AM EDT

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Supreme Court upholds North Dakota Voter ID, Rasmussen Poll Finds Growing Confidence in Elections and Electoral College

The [Supreme Court upholds](#) North Dakota's voter ID law 6-2 with Justice Kavanaugh not participating in the opinion. A look at why the midterm elections will weigh heavy on [post-2020 redistricting](#). A series of Rasmussen polls show that voters have [more faith](#) in the upcoming elections, and yes, in the [Electoral College](#). A [federal judge sides](#) with Ohio over their voter list maintenance program, again. Mail ballot fraud in [Texas](#) and [Oregon](#).

Read more in the latest [Election Integrity Bulletin](#)

## LEAD

### North Dakota: U.S. Supreme Court Rules 6-2 in Favor of North Dakota's Voter ID law.

The Supreme Court, responding to an emergency appeal, released a decision on a 6-2 vote that will allow the state to require a residential address on a driver's license or ID card to vote and won't accept a post office box except with supplemental proof of a residential address. In the ruling, the Supreme Court rejected the emergency appeal by attorneys representing a group of Native Americans in the state challenging North Dakota's voter ID law. Two justices, Elena Kagan and Ruth Bader Ginsburg, dissented. Ginsburg, in writing the dissent, said the decision could result in "voter confusion" and an "incentive to remain away from the polls.

## FEDERAL

### Analysis: Midterms Will Weigh Heavy on Post-2020 Redistricting

The redistricting wars, which since 2010 have worked to the advantage of the Republicans, are about to take a potentially significant turn. The midterm elections, along with efforts in states to reduce partisan redistricting, are likely to make the post-2020 battles more competitive. The 2010 midterm elections cost Democrats control of the U.S. House, but they also did substantial damage to the party's strength in the states: Democrats lost hundreds of seats in state legislatures and surrendered their majority of governorships to the Republicans.

### Rasmussen Poll: Voters Have More Faith in U.S. Elections These Days

Voters are now more confident than they have been in over six years that U.S. elections are fair to voters. A new Rasmussen Reports national telephone and online survey finds that 51% of Likely U.S. Voters now think American elections are fair to voters, up 10 points from 41% in early 2016 and the highest level of confidence in U.S. elections since a high of 57% last reached just before the 2012 presidential election.

### ICYMI - Federalist: Voter Fraud Is Real. Here's The Proof (2016)

Data suggests millions of voter registrations are fraudulent or invalid. That's enough to tip an election, easily. So now that we know voter fraud is a serious issue, what are some solutions to this problem? States like Michigan have Poll Challenger programs, where observers from both parties may be present at voter check-in tables at precincts.

### Rasmussen Poll: Support for Dumping Electoral College Is Down

Voters are less enthusiastic these days about taking the Electoral College out of the presidential election process. Interestingly, opponents of the Electoral College are less likely to know what it does. The latest Rasmussen Reports national telephone and online survey finds that 46% of Likely U.S. Voters still favor eliminating the Electoral College so that whoever wins a majority of the popular vote wins a presidential election. Forty-one percent (41%) are opposed, while 13% are undecided.

## STATES

**Arkansas: Arkansas Supreme Court Upholds Revised Voter ID Law**

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Arkansas' highest court on Thursday upheld a voter ID law that is nearly identical to a restriction struck down by the court four years ago. The 5-2 decision from the Arkansas Supreme Court means the law, which requires voters to show photo identification before casting a ballot, will remain in effect in this year's midterm election.

### **California: California Admits DMV Error Added Non-Citizens to Voter Rolls**

An error at California's Department of Motor Vehicles caused more than a thousand people, including some who were not U.S. citizens, to be incorrectly registered to vote, state officials said Monday. The DMV admitted that a "processing error" at agency field offices resulted in as many as 1,500 people being added to voter rolls between April 23 and Sept. 25.

### **Indiana: Possible Cases of Voter Registration Fraud Pop Up in Hendricks County**

As we approach the November mid-term elections there are already possible case of voter registration fraud. In Hendricks County, county clerk Debbie Hoskins said as they've been looking over voter registrations for the midterm elections, they've noticed some "suspicious" looking paperwork on file. Hoskins said they first started seeing odd registrations popping up around July.

### **Missouri: Attorney General Will Appeal Judge's Ruling Striking Down Part of Missouri Voter ID Law**

Missouri Attorney General Josh Hawley's office plans to appeal a court ruling that struck down part of Missouri's voter ID law, his office announced Wednesday. In a statement, Hawley said his office "is preparing to appeal the ruling and will promptly seek a stay pending appeal." Missouri Secretary of State Jay Ashcroft criticized the timing of the ruling in a statement Wednesday morning, saying it's "unduly creating mass confusion."

### **North Carolina: On the ballot: Should the NC Constitution Require a Photo ID to Vote?**

One of the most hotly debated questions on the Nov. 6 ballot pits concerns about voter participation against worries about ballot security. Backers of the proposed constitutional amendment that would require photo identification for people to vote in future elections say it would prevent fraud and increase trust in the outcome of elections.

### **Ohio: Federal Judge Deals Another Blow to Group Challenging Ohio's voter roll purge**

A federal judge ruled that notification forms Ohio sends to voters in its process to remove inactive voters from its rolls are compliant with federal law, dealing another blow to a group challenging the state's voter purge process. Senior U.S. District Judge George Smith disagreed in an opinion, largely ruling against the plaintiffs and saying the forms complied with federal law. The judge's decision comes after a 5-4 U.S. Supreme Court ruling in June that upheld Ohio's voter purging processes. Smith's ruling only focused on the forms the state sent to inactive voters.

### **Oregon: Cautionary Tale of Voter Fraud in Central Oregon**

Sharon Barney-Orlando was out of town during the January special election. So when her ballot came in the mail, her husband recycled it without a second thought. About a week later, Barney-Orlando received a letter from the Deschutes County Clerk's office. Someone had stolen the ballot, forged her signature -- and, in doing so, stolen her vote. Election officials caught the mismatched signatures and didn't count the ballot. They sent out a notice to confirm whether Barney-Orlando signed it, and it was a fluke, or if someone harmed the integrity of her ballot.

### **Texas: Four Arrested in Voting Fraud Scheme that Targeted Fort Worth Seniors.**

Four women have been arrested and indicted on 30 felony counts of voter fraud in the 2016 election. The women were paid to harvest mail-in ballots from senior citizens in North Fort Worth, a statement from the Texas attorney general's office claims. The voter fraud ring forged some signatures and lied to obtain others, edited old applications and resubmitted them without the voters' knowledge, according to the office. "Ballots by mail are intended to make it easier for Texas seniors to vote," Attorney General Ken Paxton said in a prepared statement. "The unfortunate downside is their extreme vulnerability to fraud."

### **Texas: Former Texas Border County Employee Accused of Mail Ballot Voter Fraud**

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Police in South Texas arrested a fired Starr County Democrat precinct worker on multiple voter fraud charges related to the upcoming 2018 midterm election. Starr County District Attorney Omar Escobar, Jr., confirmed to the *Monitor* that, on Thursday, investigators with his office took into custody Modesta Vela, 60, and charged her with four felony counts of illegal voting, election fraud, and knowingly possessing a ballot or ballot envelope of another person with the intent to defraud, as well as a misdemeanor charge of unlawful assistance of a voter.

## REDISTRICTING

### Pennsylvania Redistricting Gives Democrats Huge Boost in Bid to Flip House

There's little good news for Republicans when it comes to the battle for control of the U.S. House, save for one district in southwestern Pennsylvania that every prognosticator says is a virtual lock to flip to the GOP next month. The tradeoff for that, however, is six or seven other Pennsylvania seats that Democrats have designs on — all because of a major court-ordered redraw earlier this year of the state's congressional maps, moving them from overwhelmingly Republican to competitively Democratic.

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, October 23, 2018 10:42 AM EDT

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Trump Issues Warning on Voter Fraud; Texas Democrats Send Pre-Populated Registration Applications to Non-Citizens; Reapportionment Forecast of Citizen Population

## EMAIL RECEIVED FROM EXTERNAL SOURCE

With [record turnout](#) in early voting, President Trump [tweets a warning](#) to those engaged in voter fraud. Texas Democrats [send registration applications to non-citizens with pre-checked box on citizenship](#). The brother of Florida's gubernatorial candidate may have [fraudulently voted](#) in 2016. With the pending North Carolina case, speculation that Supreme Court Justice Kavanaugh could be the [end of constitutional challenges](#) to partisan gerrymandering.

In redistricting, the Supreme Court [halts the deposition](#) of Commerce Secretary Ross over the census citizenship questionnaire. Plus a [deep dive into the impact](#) on political representation - who gains and who loses - if only citizens were part of the reapportionment process in 2020. There is even more in this [week's EIB](#).

### LEAD

#### **“Maximum Penalties”: President Trump Issues Stern Warning for Anyone Engaging in Voter Fraud**

President Trump on Saturday tweeted a warning to people engaged in voter fraud, stating that those found guilty would be subject to “both civil and criminal” penalties. “All levels of government and Law Enforcement are watching carefully for VOTER FRAUD, including during EARLY VOTING,” Trump tweeted. “Cheat at your own peril. Violators will be subject to maximum penalties, both civil and criminal!”

### FEDERAL

#### **USA Today: Voting Integrity Should Not be Seen as a Partisan Issue**

The claim that Republicans are “suppressing” votes or making it harder to register is a myth designed to scare voters. The 1992 National Voter Registration Act imposes strict rules for voter registration and how states must maintain the accuracy of those rolls. It is very easy to register to vote all over the country, with just a one-page mail-in form in those states that require registration. The claim that requiring an ID to vote keeps people out of the polls is false. States such as Georgia and Indiana not only have had no problems in more than a decade with voter ID laws, but voter turnout actually increased after their laws went into effect. This demonstrates that public confidence in the integrity and validity of elections is critical to increasing voter participation.

#### **Investor's Daily: U.S. Has 3.5 Million More Registered Voters Than Live Adults — A Red Flag for Electoral Fraud**

American democracy has a problem — a voting problem. According to a new study of U.S. Census data, America has more registered voters than actual live voters. It's a troubling fact that puts our nation's future in peril. As reported by the National Review's Deroy Murdock, who did some numbers-crunching of his own, “some 3.5 million more people are registered to vote in the U.S. than are alive among America's adult citizens. Such staggering inaccuracy is an engraved invitation to voter fraud.”

#### **Daily Signal: Killing the Electoral College Would Alienate Half the Country**

The call to eliminate the Electoral College reflects an underlying contempt for our Constitution and its protections for personal liberty. The Founders saw our nation as being composed of sovereign states that voluntarily sought to join a union under the condition that each state admitted would be coequal with every other state. The Electoral College method of choosing the president and vice president guarantees that each state, whether large or small in area or population, has some voice in selecting the nation's leaders.

#### **Daily Journal: Sessions Criticizes Court Order on Deposition in Census Case**

Attorney General Jeff Sessions criticized a court order that allows for the questioning of Commerce Secretary Wilbur Ross on how a citizenship question came to be added to the 2020 census. The court's actions, the attorney general said in a speech to the conservative Heritage Foundation, represent an



improper attempt “to hold a trial over the inner-workings of a Cabinet secretary’s mind.” With his remarks, Sessions waded into a simmering legal dispute that may ultimately be resolved by the Supreme Court, which solidified its conservative majority with the recent addition of Justice Kavanaugh.

### **Breitbart: Big Tech Engages in Massive Voter Registration Push Before Midterms**

Big Tech companies, including Google, Facebook, Twitter, and Snapchat are encouraging their users to register to vote before the United States midterm elections in November. Google turned its search homepage into a call to action for voter registration to mark National Voter Registration Day.

## **STATES**

### **Connecticut: DMV Shouldn't Be Making Judgment Calls on Voter Eligibility**

The state Department of Motor Vehicles is facing an elections complaint, filed by a pair of registrars of voters, that says the much-maligned agency shouldn't be making judgment calls on voter eligibility — and is doing so sometimes erroneously. The Republican and Democratic registrars of Greenwich filed a joint complaint Oct. 9 against the DMV, alleging that it haphazardly added a local woman to the election rolls who clearly indicated that she is not a U.S. citizens and did not want to register to vote.

### **Florida: Andrew Gillum's Family Under Investigation; May Have Engaged in Voter Fraud**

Less than a year before gubernatorial candidate Andrew Gillum publicly denounced President Donald Trump's efforts to investigate the threat of voter fraud, Gillum's brother, Marcus Gillum, voted in the 2016 general election in Tallahassee, Florida while a resident of Chicago, Illinois. According to Florida law, you must be a legal resident in Florida to vote in elections. Casting an illegal vote in Florida is a third-degree felony.

### **Georgia: Georgia's 'Pending Voter' Rowdydow More an Election Issue Than a Voting One**

Democrats have tried to make a scandal out of Georgia's estimated 53,000 “pending” voter registrations in advance of the Nov. 6 election. They've tried to make it appear as if Republican Secretary of State and gubernatorial candidate Brian Kemp is trying to suppress minority voting. For one thing, if Kemp is trying to suppress votes, he's not doing a very good job of it: Those whose registrations are pending -- because their names don't match state or federal records -- can indeed vote in the Nov. 6 election with a valid I.D. that clears up the confusion.

### **North Carolina: Why North Carolina Needs a Photo Voter ID Amendment**

Even foreign election observers have confirmed our warnings about this state's election laws: When it comes to preventing voter fraud, North Carolina falls below nations like Libya and Mexico. Summarizing the opinions of 60-plus United Nations observers, Foreign Policy Magazine wrote, “The most often noted difference between American elections among the visitors was that in most U.S. states, voters need no identification . . . and there's often no way to know if one person has voted several times under different names.”

### **Pennsylvania: Rep. Metcalfe Calls Out Commissioner Marks, Wolf Administration for Hiding the Truth on Illegally Voting Foreign Nationals**

Pennsylvania House State Government Committee Chairman Daryl Metcalfe (R-Butler), convened a public hearing focusing on the ongoing efforts to protect and improve election integrity. Metcalfe called out Commissioner Jonathan Marks, Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, for withdrawing his testimony less than 30 minutes before the start of today's meeting.

### **Texas: Texas Dems Under Investigation After Sending Voting Applications with Citizenship Box Pre-Checked to Non-citizens**

The Texas Democratic Party is under investigation after being accused of sending out voter-registration applications to non-citizens with the citizenship box already checked “Yes.” Following the reports of the alleged violation, Texas Gov. Greg Abbott said the issue is “being investigated” and “there will be serious consequences” if confirmed. “A complaint says the Texas Democratic Party asked noncitizens to register to vote, sending applications with citizenship box pre-checked. This is being investigated. If true there will be serious consequences,” he wrote in a tweet.

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## REDISTRICTING

### Bloomberg Law: Kavanaugh, Court Could Bury Partisan Gerrymandering Challenges

A strengthened conservative U.S. Supreme Court majority with the addition of Justice Brett Kavanaugh could spell the end of constitutional challenges to partisan gerrymandering. The court is likely to take up the issue again this term in a North Carolina case, and reach a decision next year at the earliest—too late to influence the congressional midterms in less than a month. Before, there were four justices who thought “there were viable standards to root out partisan gerrymandering,” four who thought...

### Virginia: California Professor from 2015 Gerrymandering Case will Redraw Virginia’s Voting Map

Bernard Grofman, a political science professor at University of California, Irvine, who has worked on another Virginia redistricting case, will redraw more of the state’s voting maps as a court-appointed “special master” to fix 11 House of Delegates districts that were ruled to be racially gerrymandered. Republicans opposed Grofman’s appointment in a September court filing, saying that when he redrew the 3rd district, it benefited Democrats and cost former Republican U.S. Rep. Randy Forbes a seat. “This deprived Virginia of a high-ranking member of Congress,” Republicans wrote.

### Fairlines: 2020 Reapportionment Forecast – Total Citizen Population

In 2020, the decennial census is currently set to include a citizenship question on the short-form for the first time since 1950. Litigation over that question is currently ongoing (see *State of Alabama v. U.S. Department of Commerce*). There is however no debate that doing so would return representation to many states that lost seats in the 2010 and 2000 reapportionments and save many potentially lost seats in 2020. Distributing seats based on citizens rather than residents would not completely reverse long-term reapportionment trends.

The American Civil Rights Union

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, January 29, 2019 8:04 PM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: White House requests Supreme Court grant expedited review of census citizenship question. Democrat laundry list of election reforms – legalizing ballot fraud?

#### EMAIL RECEIVED FROM EXTERNAL SOURCE

White House requests [Supreme Court grant expedited review](#) of census citizenship question. [Democrat laundry list of election reforms](#) – legalizing ballot fraud? [Arizona wary of vote harvesting](#), while Colorado considering [abolishing the Electoral College](#). [Florida looking for a new Secretary of State](#); [Iowa voter ID law getting judicial review](#). [Ohio county election official fired](#) for not counting over 6,000 early votes; but nearly [100,000 illegal votes were counted in Texas](#). Redistricting activity picks up as [March 26 Supreme Court oral argument](#) approaches. [All this in this week's EIB](#).

#### LEAD

##### Trump Administration Asks Supreme Court to Review Census Citizenship Case

The Trump administration is asking the Supreme Court to hear a case on including a citizenship question on the 2020 census. Last week, federal Judge Jesse M. Furman of the Southern District of New York ruled the Census Bureau could not ask about citizenship. The judge ruled the question would lead to undercounting illegal residents and Hispanics. On Tuesday, the Trump administration moved to bypass the appeals courts, and take the issue straight to the Supreme Court, given the urgency to prepare the U.S. Census. The case would normally be appealed to the U.S. Court of Appeals for the 2nd Circuit. "Time is of the essence," Hans von Spakovsky, senior legal fellow with The Heritage Foundation, told The Daily Signal. "It takes a long lead time to print the millions of census forms." He noted bypassing the regular appeals process is a very rare request and very rarely granted.

#### FEDERAL

##### WSJ: Harvesting Democratic Votes

Democrats in Congress are making election reform their top legislative priority, and we've criticized it as a majority protection act. To understand why, consider that Democrats are trying to do for the country what they've done with election laws in California. The biggest score for Democrats is a separate 2016 law pushed heavily by unions that legalized what's known as ballot harvesting. This allows any person—union activists, canvassers, community organizers, campaign staff—to show up at homes and collect mail ballots on behalf of voters. Fred Whitaker, chairman of the Orange County GOP, has estimated that an extraordinary 250,000 mail-votes were dropped off on Election Day thanks to harvesting. All of this is carefully designed to enhance Democratic turnout. California law also creates opportunity for fraud and coercion. Voters in a 2017 special election for an open seat in the California state Assembly reported activists harassed them at their doors to fill out ballots for specific candidates and hand them over. This creates opportunities for harvesters to "help" voters complete their ballots, or even pay to finish them, and it's easy for the unscrupulous to lose ballots they think may go for the wrong candidate. This is why ballot harvesting is illegal in many states, or at least limited to drop-offs by family members.

##### Washington Examiner: Nancy Pelosi is Trying to Federalize California's Bad Election Laws

Speaker Nancy Pelosi, D-Calif., has made a gargantuan overhaul of election law, campaign finance, and ethics rules the top priority of House Democrats. Contrast this move with the Republicans in 2017 — the Democratic Party and its allies understand there is a difference between winning elections versus big idea debates. H.R. 1, her proposal, is not likely to clear the Senate, but that's not the point. It is a marketing document intended to broach the idea of federalizing some progressive state policies while trying to squeeze more conservative locales into adopting them as well. Taken as a whole, the only saving grace to the bill is that it does not contain a prosecution shield for noncitizens who are automatically registered to vote — something California has done. This bill also comes with the benefit of already exhibiting critical failures in the laboratories of bad ideas, like California and others. But automatic voter registration and relaxed voter roll maintenance standards are not a threat to the proponents, if they know how to massage the chaos before a big election.

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## STATES

### **Arizona: Senate Committee Votes to Ban Voters from Dropping off Early Ballots**

Nearly a quarter million Arizonans who dropped off their early ballots at polling places on Election Day in November would lose that ability in future years under a bill that passed its first legislative hurdle in a Senate committee on Thursday. The Senate Judiciary Committee passed three election-related bills sponsored by Sen. Michelle Ugenti-Rita, R-Scottsdale. One of those bills, Senate Bill 1046, would require voters who receive early ballots in the mail to return them only by mail, rather than bringing them to polling places before or on Election Day. People who don't mail in their ballots would be able to vote at a polling place but would have to wait in line and go through the same process as other in-person voters. The committee passed SB1046 on a 4-3 party-line vote, with Republicans supporting it and Democrats in opposition.

### **California: Former City Council Candidate Pleads No Contest to Voter Fraud**

A candidate for Bakersfield's city council in last year's election has pleaded no contest to fraudulent voting in connection with his 2016 run for mayor, according to court records. Gilberto De La Torre stood accused of fraudulently signing and submitting his brother's and another person's voter mail-in ballots during the mayoral election. He entered the no contest plea late last month, and in June is scheduled for a hearing in which the charge will be dismissed as long as he abides by the terms of the agreement.

### **Colorado: Colorado Should Steer Clear of the Partisan Push for a National Popular Vote**

The Colorado legislature is considering making Colorado the next state to award its Electoral College votes to the presidential candidate who gets the most votes nationwide. This is a blatantly partisan attempt to abolish the Electoral College through non-constitutional means. It should be stopped dead in its tracks. Of all the delusions in American politics, none are more seductive than majority rule. The latest symptom of our infatuation with majority rule is the "National Popular Vote" movement, or NPV. States who sign on for NPV agree to give their presidential electoral votes to whomever earns the most votes nationwide, regardless of the results within the state itself. The contract takes effect when states with at least 270 electoral votes (a majority of the electoral college) sign on. So far, 11 states and the District of Columbia, with 172 total votes, have agreed. Colorado Senate Bill SB19-042 would sign Colorado on to the deal. It's not hard to see the blatantly partisan nature of the NPV movement. Who has signed on? The District of Columbia, where no Republican has ever won an electoral vote.

### **Florida: Florida Secretary of State Resigns after Blackface Photos Surface**

Florida's newly appointed secretary of state resigned after years-old photos of him wearing blackface emerged. The photos were obtained by the Tallahassee Democrat and shown to Gov. Ron DeSantis' office Thursday, according to the publication. The governor said in a statement hours later he had accepted Michael Ertel's resignation. The photos showed Ertel dressed as a Hurricane Katrina victim in blackface at a Halloween party in 2005, two months after the hurricane hit New Orleans. "There's nothing I can say," Ertel said when asked about it.

### **Iowa: Iowa Judge Strikes Down Part of Voter ID Law**

An Iowa district court judge on Thursday struck down part of a voter identification law that made it more difficult for county auditors to tally absentee ballots submitted with missing information. Polk County District Court Judge Karen Romano said the provision that blocked county auditors from consulting a statewide voter database to fill in missing information on a voter's absentee ballot violated existing state law. Other parts of the voter identification law, passed by the Republican-controlled state legislature in 2017, still stand. But the rest of the law faces other legal challenges.

### **New Hampshire: Dems Denied Access to Voter Database in Lawsuit over NH Election Law**

The state Supreme Court ruled on Thursday that the secretary of state does not have to provide a detailed voter database to the N.H. Democratic Party, the League of Women Voters and other plaintiffs in a lawsuit challenging Senate Bill 3, the new law on voter verification. A lower court had ordered release of the database to the plaintiffs, who claimed they needed certain information from it to make their case. "We conclude that the database is exempt from disclosure by statute, and we therefore vacate the trial court's order," the unanimous order of the five justices said. The case challenging SB 3 has been working its way

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through the courts for the past two years. The law, enacted in 2017, changed the procedures for proof of domicile when registering to vote. A trial in the case is expected to get under way later this year.

### **Ohio: Miami Co. Elections Director Fired after 6,000 Votes go Uncounted**

The Miami County Board of Elections voted Tuesday night to fire elections Director Beverly Kendall after state officials discovered that over 6,000 early votes went uncounted from the November 6 general election. Board members voted 3-1 to terminate Kendall, effective immediately. The Secretary of State's Office contacted the Board of Elections about the issue involving 6,288 votes on Dec. 20 after reviewing the election results. It was concluded that an incorrect shutoff of an early voting machine was to blame. Fisher said he and the board were re-assured all votes had been counted. Fisher said it wasn't until the Secretary of State's Office contacted them, that they realized the votes were not tallied. Members also voted to start an investigation into how the uncounted votes could have gone undetected for so long. They said there were various steps including an audit, where the issue should have been detected. Board of Elections Chairman Dave Fisher says the missing votes did not affect the outcome of any races or issues, and no recounts were triggered, but they did vote to approve an amendment to election results to reflect the corrected totals.

### **Texas: Texas' Top Election Official Says Nearly 100,000 Voters Aren't U.S. Citizens**

The Texas Secretary of State says nearly 100,000 people on the state's voter rolls are not U.S. citizens. In an advisory today, Secretary of State David Whitley told voter registrars that the Texas Department of Public Safety has identified as many as 95,000 non-U.S. citizens who have a registration record attached to their name. The agency estimates as many as 58,000 of those people have voted "in one or more Texas elections." The Secretary of State's office notes that, while it can't enforce election law, it has shared the list of voters with the Texas attorney general's office and registrars across the state. In a statement after the announcement, Attorney General Ken Paxton said his office will work with the secretary's office to prosecute cases of voter fraud. "Every single instance of illegal voting threatens democracy in our state and deprives individual Texans of their voice," Paxton said. "We're honored to have partnered with the Texas Secretary of State's office in the past on voter initiatives and we will spare no effort in assisting with these troubling cases."

### **Texas: Illegal Immigrant Voted Using Fake ID, Report Says**

An illegal immigrant living in Texas who used a stolen ID to vote at his local polling place received a prison sentence Thursday, according to reports. The suspect, identified as Enrique Salazar Ortiz, of Elmendorf, near San Antonio, will serve nearly three years. Salazar Ortiz, a native of Mexico, was convicted of making a false statement on a passport application, unlawful voting by an undocumented immigrant and aggravated identity theft, the San Antonio Express-News reported.

### **Virginia: Voter ID Laws Remain Widely Popular as Governor Northam Seeks Repeal**

During his "State of the Commonwealth" address earlier this month, Governor Ralph Northam (D) announced in his 2019 legislation package that he would work with the Democratic caucus in the Virginia General Assembly to repeal the law requiring voters to present a photo identification at the ballot box. Although progressives believe they hold the moral high ground insofar as they are "increasing access to the voting booth," what they fail to believe is that proposals to rescind the laws are widely unpopular across the U.S. Currently, Virginia is classified as a "strict photo ID" state, along with Georgia, Indiana, Kansas, Mississippi, Tennessee, and Wisconsin.

### **Virginia: Bill to Verify Voter Citizenship Advances out of Committee**

When Senator Mark Peake (R-Lynchburg) first ran for office in 2015, he said Virginia needed more lawmakers focused on solving problems with common sense. This session, he's fighting for a bill which he says does exactly that. Peake introduced SB1038 to require voter registrars throughout Virginia to electronically verify the name, date of birth, and social security number of each voter against existing federal databases to confirm that every registered voter is a citizen of Virginia and the United States. Calling it a "very simple bill" and "very common sense", Peake urged the committee to pass the measure, which he said would strengthen election integrity in Virginia and help fight voter fraud. "I just kind of would like to make sure that people who are registered to vote in Virginia are actually Virginia citizens and the people they say they are," he said. Peake noted his legislation would cost less than a million dollars, contrasting the fiscal impact of the bill with the much larger sums of money for SOS-19-0410-A000112



in Virginia.

## **REDISTRICTING**

### **Maryland: Supreme Court Sets Date to Hear Maryland Congressional Gerrymandering Case**

The U.S. Supreme court has set a date to hear oral arguments in Maryland's high-profile case centered on gerrymandering in the congressional voting districts map. The Supreme Court justices are scheduled March 26 to hear attorneys' arguments and provide Maryland officials with guidance on how to proceed with a court-ordered redrawing of the congressional map, according to a schedule made public Friday. In November, a panel of federal judges found that Maryland's map for the 6th Congressional District, which includes portions of Montgomery County into Western Maryland, was drawn heavily in favor of Democrats. The case was brought by seven Republican plaintiffs who argued the map diluted their representation and violated their First Amendment rights. The case was brought by seven Republican plaintiffs who argued the map diluted their representation and violated their First Amendment rights.

### **Michigan: Settlement Search by Michigan Secretary of State Raises Concerns from Michigan Republicans**

Michigan Secretary of State search for a settlement in a federal lawsuit claiming partisan gerrymandering in some districts has some Republicans raising ethical concerns. Jocelyn Benson, sworn in as Michigan's first Democratic Secretary of State since 1994, wants to settle a lawsuit against the state fielded by the League of Women Voters of Michigan. The suit, originally filed against former Republican Secretary of State Ruth Johnson, claims gerrymandering of 34 districts in the state helped Republicans garner control. The Michigan Republican Party said the move is not about saving taxpayer dollars.

"We think this is an obvious partisan power grab by Jocelyn Benson along with former Michigan Democratic Party Chair Mark Brewer to basically redraw our state's maps to favor democrats in our state's 2020 election," Michigan Republican Party Deputy Communications Director Tony Zammit said.

Zammit argued that Benson and Brewer were working together to draw the lines. Brewer is an attorney involved with the plaintiffs in the case.

### **Virginia: Court-Picked Redistricting Maps Could Favor Virginia Democrats**

Democrats could have a better shot picking up seats in this year's legislative elections under a redistricting map that a U.S. District Court has selected for the Virginia House of Delegates. If enacted, the new map would place at least five Republican delegates in districts where a majority of voters chose Democrat Barack Obama in the 2012 presidential election — including the 66th House District represented by Republican Speaker of the House Kirk Cox. Democratic districts affected by the maps appear less likely to change hands based on those election results. In a statement issued shortly after the court's decision, Cox said that the maps chosen by the court aimed to give Democrats an advantage. "The (maps) selected by the Court target senior Republicans, myself included, without a substantive basis in the law," Cox said.

### **Wisconsin: Court Delays Wisconsin's Gerrymandering Trial for at Least Three Months**

In a small setback for Democrats, a federal court Wednesday pushed back a gerrymandering trial slated for April, possibly until July. The panel of judges ruled, 2-1, to delay the trial until after the U.S. Supreme Court decides cases over election maps for North Carolina and Maryland. Those decisions are expected by June. "Holding a trial and taking full briefing in these cases before the Supreme Court decides (the other cases) would almost certainly lead to a significant waste of resources for the parties and the court,"

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the majority wrote. The judges agreed Wednesday to put off trial but said they would allow discovery to continue in the case so a trial could be held soon after the Supreme Court renders its decisions. A date for a potential trial will be set later, but the judges suggested starting one July 22.

**The American Civil Rights Union**

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, November 20, 2018 9:15 AM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** EIB: Why the Refusal To Accept Results in Florida and Georgia? Voters Concerned With Integrity of Elections; Impact of 2018 on Future Redistricting

EMAIL RECEIVED FROM EXTERNAL SOURCE

Why is there a refusal to accept election results in [Florida and Georgia](#)? The [Supreme Court agrees](#) to fast track a hearing concerning citizenship census question. Find out the [impact on redistricting](#) from the 2018 mid-term elections. In Florida, [voters question integrity](#) of election system and Palm Beach [blames old technology](#) for recount failures. Read more in the [Election Integrity Bulletin](#).

LEAD

**Washington Examiner: Why Democrats in Georgia and Florida Are Refusing to Accept the Election Outcome**

The Democratic campaign of delegitimizing elections, breaking the law, and refusing to accept election outcomes, isn't about stealing the election that just happened. It's about kicking off the next election campaign. Democrats have looked at President Trump's success and decided that breaking all the rules is the path to victory. They have apparently decided that republican norms and democratic niceties are holding them back. Only with such a no-holds-barred fighter, they believe, can they beat the Republicans' own norm-breaker-in-chief, Donald Trump.

FEDERAL

**Law360: Supreme Court Will Hear Case Over Ross' Census Deposition**

The U.S. Supreme Court on Friday granted the federal government's petition to review a New York federal court ruling greenlighting the deposition of Commerce Secretary Wilbur Ross regarding the Trump administration's decision to include a question about citizenship status on the 2020 census. A brief, one-page order, the high court instructed the U.S. Department of Justice to file its brief challenging the decision by Dec. 17. Oral arguments in the case are scheduled for Feb. 19, according to the order.

**Conservative Review: Let's Cut to the Chase and Have the Judges Vote for Us**

The outcome of elections, like every other national question, is now determined by an assorted sample of unelected federal judges. So why even have elections? At this rate, we should just ask the judges to vote for us. Courts exist to adjudicate cases under the law. If we have a dispute over an issue that determines the outcome of the broadest public policy, cultural, and civic questions, we go to a legislature. But now the judges are monopolizing the ultimate political question – election law. They are vitiating state law and determining the outcome of all elections – in favor of one party, of course. What we are seeing in Georgia and Florida is Democrats using the liberal courts to mandate that states accept ballots that are either tardy or otherwise invalid pursuant to state law. Now a judge has ordered the recount in Florida to be extended.

**Virginia Mercury: Voter Registration Through the DMV Can Be an Imperfect Process**

Every state offers voter registration at places like the DMV because of the 1993 National Voter Registration Act, or "motor-voter law." But that law didn't establish a uniform process for states or provide guidance on how to do it, said Trey Grayson, a former Kentucky secretary of state who now works as a lawyer and lobbyist on voter registration procedures. "On one hand, voters all across the country have been able to vote or update their voting registration, which is great," Grayson said. "The challenge is that the DMV's job is not to register voters."

**Daily Caller: Democrat's Voter Fraud Exposed and How to Stop It**

On the Friday video edition of the Daily Caller Podcast we talk with Hans Von Spakovsky from the Heritage Foundation, one of the nation's foremost experts on election law and election fraud. With what Democrats are attempting to do in Florida and Georgia, it's important to understand all the tricks and traps the left uses to steal elections. Hans was a member of President Trump's commission on voter fraud, the one

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states refused to cooperate with because, they said, voter fraud is a hoax and rather than provide data on the matter, they simply took their ball and went home.

### **American Thinker: Pass Legislation for Election Integrity Now**

The 2018 midterm elections have proven dramatic, and in several key races, including for governor, Senate, and the House of Representatives, the outcome has not yet been determined. Both Republicans and Democrats -- depending on the race -- have called into question the integrity of the vote and have demanded recounts and, at times, have gone to court asking that the integrity of the election be upheld. At present, as good as our election system may be, there are many opportunities for activity that could result in close elections being called for the wrong candidate. Congress must act immediately and expeditiously to better protect our elections and democracy.

## **STATES**

### **California: Court Documents Reveal New Details in 3 Cases of Alleged Voter Fraud**

Day is over but three individuals are facing charges of voter fraud. The Kern County District Attorney's office charged 28-year-old John Gerald Byrne, 29-year-old Gilberto De La Torre and 68-year-old Fernando Osorio. According to court documents, when Byrne was confronted with the information, he said he "might have signed it" and "accidentally mailed it back in" referring to his ballot. Investigators say Fernando Osorio claimed he was not a United States citizen on a jury summons questionnaire, but he turned his voter registration and signed it affirming he as a citizen. The DA's office says a misdemeanor conviction on a charge of this type can result in a \$1,000 fine and up to six months in jail.

### **Florida: Florida Lawmakers Expected to Dig into Election Laws**

Florida lawmakers will be asked to tackle how elections are run, after the chaos of this year's elections led to a federal judge calling the state's process "the laughingstock of the world." Incoming Senate President Bill Galvano, who will take the reins of the chamber, said that he expects lawmakers to review various aspects of the elections process, from the handling of vote-by-mail ballots to certification dates. Galvano, R-Bradenton, said he's heard from a number of senators about the issue and that he wants to revisit aspects of state elections laws. He pointed to problems beyond the current election cycle, which has included troubled recounts in races for U.S. Senate, governor and agriculture commissioner and three legislative seats. The goal, he said, is to keep future elections from "judicial intervention."

### **Florida: Democrats Planned to Use Altered Forms to Fix Mail Ballots Across Florida After Deadline**

A day after Florida's election left top state races too close to call, a Democratic party leader directed staffers and volunteers to share altered election forms with voters to fix signature problems on absentee ballots after the state's deadline. The altered forms surfaced in Broward, Santa Rosa, Citrus and Okaloosa counties and were reported to federal prosecutors to review for possible election fraud as Florida counties completed a required recount in three top races. But an email obtained by the USA TODAY NETWORK - Florida shows that Florida Democrats were organizing a broader statewide effort beyond those counties to give voters the altered forms to fix improper absentee ballots after the Nov. 5 deadline. Democratic party leaders provided staffers with copies of a form, known as a "cure affidavit," that had been modified to include an inaccurate Nov. 8 deadline.

### **Florida: Soros-Financed Groups Help Brenda Snipes Prevail over Rick Scott in Court Battle**

A coalition of organizations financed by billionaire activist George Soros successfully intervened in a lawsuit against Broward County Elections Supervisor Brenda Snipes in a case involving ballots counted by Snipes' office after the official deadline had passed. Notably, the interveners opposing Scott in the case against Snipes were the League of Women Voters and Brennan Center for Justice at the New York University Law School, two organizations financed by Soros. Helping in the case was Common Cause, which is also financed by Soros's Open Society Foundations. An intervener allows a non-party to join an ongoing lawsuit.

### **Florida: Voters Question Integrity of Election System**

"We will be in a recount situation here in the state of Florida for one or more of these contests here in the next couple of days," said David Stafford, Supervisor of Elections for Escambia County. "This is to my

FL-SOS-19-0410-A000116

knowledge is the first statewide recount we've had using these new deadlines and laws and putting these new things in place," said Paul Lux, Supervisor of Elections for Santa Rosa County. All counties should have their unofficial results by Saturday. "If the difference in one or more races is half a percentage point or less a machine recount is ordered," said Stafford. As the call for recounts comes, more ballots are still showing up. Many people in Florida have the same concern. "If thousands of ballots were held back, why weren't they counted last week?" said Wayne Albers.

### **Florida: Palm Beach County Supervisor of Elections Susan Bucher Blames Technology for Recount Concerns**

Supervisor of Elections for Palm Beach County Susan Bucher said technology will be to blame if the county is unable to meet Thursday's state recount deadline. Recounts are now required in three key races: U.S. senate, governor and Florida agriculture commissioner, along with house of representatives District 89. However, the technology used in Palm Beach County only allows for one race at a time to be reviewed.

### **Indiana: State Police Impounding All Voting Materials Related to 15th Indiana House District**

Party leaders were dismayed Saturday over a GOP move to contest Democrat Chris Chyung's 86-vote victory Tuesday over state Rep. Hal Slager in the 15th House District after state police impounded voting records late Friday. "We have to get control of the records and evaluate whether it goes to a recount or not," Slager said.

### **New York: Demanding Answers - How Can NYC's Messy Voting System Be Fixed?**

From long lines to broken voting machines, election day was a mess this week at the polls – but will anything change next time? CBS2's Andrea Grymes demands answers on who is responsible for making improvements. Voting machines completely went down at some polling sites, causing general confusion about a two-page ballot. Mayor Bill de Blasio places a lot of blame at the feet of the New York City Board of Elections. "The Board of Elections simply can't function, cannot do its job," he said.

There's plenty of blame to go around at the city and state level. Michael Ryan is the executive director of the city Board of Elections that some criticize for the way its membership is appointed: 10 commissioners, two from each borough, recommended by both political parties.

### **North Carolina: 35,500 NC Voters Used 'Provisional' Ballots, but Many of Their Votes Won't Count**

Provisional ballots are offered to any voter who doesn't have their registration on file when they show up to vote. People are also offered provisional ballots if they go to the wrong polling place to cast a ballot. In 2016, there were more than 60,000 provisional ballots. Almost 22,000 of these provisional ballots were fully counted, state elections board spokesman Pat Gannon said, and about 5,200 were partially counted. That means about 34,000 ballots were not counted.

### **Pennsylvania: 'Human error' Leads to Vote-Counting Errors — County Votes to Hire Election Lawyer to Oversee Next Week's Canvass**

Crawford County Clerk Don Pyle said results from five of the county's 16 polling locations were counted twice, doubling votes for each candidate and resulting in inaccurate results. He said the mistake was due to human error, not mechanical. "The polling places make data cards that we insert into software that counts the votes," he said. "The person inputting the data got interrupted and put five of them in twice. Some precincts were reporting a turnout of 110 percent," he said. Pyle said the county does not implement dual control when counting ballots. "Part of the reason the software didn't catch it is that one precinct is split between two polling stations, so it doesn't register as redundant," he said.

## **REDISTRICTING**

### **Maryland: Maryland Attorney General Appeals Judges' Order to Redraw Congressional Districts, Seeks Supreme Court Ruling**

Maryland Attorney General Brian Frosh announced Thursday that he is appealing a federal ruling that threw out the state's congressional map for the 6th District after determining that Democratic officials unconstitutionally drew the boundary to diminish Republican influence. The Democratic attorney general,

acting against the wishes of Republican Gov. Larry Hogan, notified the U.S. District Court in Baltimore Thursday that he will contest last week's order that the state redraw the map in time for the 2020 election. A Hogan spokeswoman criticized Frosh for an action that will further drag out debate over a district widely viewed as one of the most heavily gerrymandered in the nation.

### **Washington Times: Midterm Elections Reveal Effects of Gerrymandered Districts**

With an election looming, courts earlier this year declared congressional districts in two states to be unconstitutional partisan gerrymanders. One map was redrawn. The other was not. The sharply contrasting outcomes that resulted on Election Day in Pennsylvania and North Carolina illustrate the importance of how political lines are drawn - and the stakes for the nation because that process helps determine which party controls Congress. Pennsylvania flipped from a solid Republican congressional delegation to one evenly split under a map redrawn by court order, contributing to the Democratic takeover of the U.S. House. Despite an almost even split in the popular vote, North Carolina's congressional delegation remained overwhelmingly Republican under a map drawn by the GOP. Partisan gerrymandering has been carried out by both Democrats and Republicans throughout U.S. history. But an Associated Press statistical analysis based on 2016 election data found that more states had Republican-tilted districts than Democratic ones. Some of the largest GOP congressional advantages were in North Carolina and Pennsylvania, where Republicans fully controlled redistricting after the 2010 Census.

#### **The American Civil Rights Union**

3213 Duke St., #625  
Alexandria, VA 22314

<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

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**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Tuesday, March 14, 2017 11:40 AM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** Election Integrity Bulletin - March 14, 2017  
**Attachment(s):** "Bulletin for March 14 2017.docx"

This week's issue includes the following items:

#### FEDERAL

Adams: Federal Judge Blasts Unprofessional Behavior of DOJ Lawyers

Cruz Calls Out Obama Justice Department for Partisanship

Guam's Racially Segregated Voting Scheme Is Struck Down

Trump Set to Remake FEC, Name All Commissioners

Democrats Plan to Strike Back in the Redistricting Wars

Lead Plaintiff: Wisconsin Redistricting Lawsuit Has National Implications

Sessions Asks Remaining 46 U.S. Attorneys to Resign

#### IN THE STATES

Woman Pleads Guilty in Colorado Vote Fraud Case, Used Deceased Man's Ballot

Ohio Anti-fracking Organizer Gets Jail for Voter Registration Fraud

Nebraska Election, DMV Officials Testify Against Automatic Voter Registration Bill

Iowa Voter ID Election Bill Spurs Long Debate at Statehouse

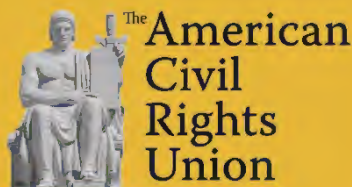
McAuliffe Vetoes Fowler Bill on Photo ID for Absentee Ballots

Voter ID Measure to Be on '18 ballot, Arkansas Senate OKs Proposed Amendment

Hundreds More Noncitizens Registered to Vote in Ohio

Thank You!  
Susan Carleson





<AUTODATE>

# ACRU Election Integrity Bulletin

## FEDERAL

### Adams: Federal Judge Blasts Unprofessional Behavior of DOJ Lawyers

For those of you following along, this is a federal judge indicting the perspective, tactics and gum chewing of Justice Department lawyers. They are bigots toward the South. Sure of their righteousness. Zealous in their struggle against people with whom they disagree. We've been reporting about this bias now for eight years. Thankfully, federal courts now see the same biases and corruption that have been reported here for years. As we saw in November, the American public also understands this bunch and their utopian, transformative agenda. Voting Section staff even hung a sign inside the Justice Department offices saying "Mess With Texas," mocking the famous slogan "Don't Mess With Texas."

<https://pjmedia.com/jchristianadams/2017/03/11/federal-judge-blasts-unprofessional-behavior-of-justice-department-lawyers/>

### Cruz Calls Out Obama Justice Department for Partisanship

The Senate Judiciary Committee held a hearing on March 7 for Justice Department nominees in which Republican Senator Ted Cruz of Texas called out the

Obama Justice Department for its partisan practices. "It is deeply concerning to me and to a great many people that over the last eight years the leadership of Department of Justice, I think, has been very politicized," Cruz stated. "It perhaps is not surprising that Democratic senators assume that same politicization will continue."

<http://dennismichaelyllynch.com/cruz-calls-obama-justice-department-partisanship/>

### Guam's Racially Segregated Voting Scheme Is Struck Down

<http://www.nationalreview.com/article/445645/guam-plebiscite-racist-voting-restrictions-struck-down-federal-court>

### Trump Set to Remake FEC, Name All Commissioners

President Trump is poised to replace all six members of the Federal Election Commission, reviving the politically divided agency and steering members, especially free-ranging Democrats, off soap boxes and back to their jobs.

<http://www.washingtonexaminer.com/trump-set-to-remake-fec-name-all-commissioners/article/2615846>

## Democrats Plan to Strike Back in the Redistricting Wars

Population patterns -- Democrats tend to live in dense counties -- and the natural appeal of the opposition party were factors, but Kelly Ward notes that redistricting played a decisive role in Republican victories. "They've cheated their way to power," Ward charges. Turning things around will take longer than one election cycle, of course. But it starts in some of the biggest battlegrounds in the nation. While Democrats can't even begin to hope for winning majorities in the state legislatures of Michigan, Pennsylvania, Wisconsin and Ohio, all four states are choosing governors in 2018 -- and Virginia's will be chosen this fall. That's where Ward plans to focus her group's energy and resources. Democrats will continue mounting legal challenges, which have won several seats when courts determined redistricting plans were racially biased or otherwise flawed.

<http://www.newsmax.com/Newsfront/eric-holder-democrats-al-hunt/2017/03/12/id/778262/>

## Lead Plaintiff: Wisconsin Redistricting Lawsuit Has National Implications

The lead plaintiff in the legal battle over how Republicans redrew Wisconsin Assembly district boundaries says the case is headed to the U.S. Supreme Court and the outcome could have national implications.

<http://wxpr.org/post/lead-plaintiff-wisconsin-redistricting-lawsuit-has-national-implications>

## Sessions Asks Remaining 46 U.S. Attorneys to Resign

Attorney General Jeff Sessions has asked the remaining 46 U.S. attorneys who served under the

Obama administration to resign, the Justice Department announced Friday, describing the move as part of an effort to ensure a "uniform transition."

<http://www.foxnews.com/politics/2017/03/10/ag-sessions-asks-remaining-46-us-attorneys-to-resign.html>

## IN THE STATES

## Woman Pleads Guilty in Colorado Vote Fraud Case, Used Deceased Man's Ballot

An El Paso County woman who attempted to vote in the 2016 primary election using a deceased man's ballot has pleaded guilty. The woman attempted to use the ballot of Ralph Nanninga, who died in 2012.

<http://www.denverpost.com/2017/03/08/woman-el-paso-county-voter-fraud-ballot/>

## Ohio Anti-fracking Organizer Gets Jail for Voter Registration Fraud

A Columbiana County woman is headed to jail after pleading guilty to multiple counts of voter registration fraud while working for a leftist community organizing group.

<http://www.breitbart.com/big-government/2017/03/10/ohio-anti-fracking-organizer-gets-jail-voter-registration-fraud/>

## Nebraska Election, DMV Officials Testify Against Automatic Voter Registration Bill

A measure to implement automatic voter registration in Nebraska faced opposition Thursday from the

state's chief election official and head of the Nebraska Department of Motor Vehicles.

[http://www.omaha.com/news/legislature/nebraska-election-dmv-officials-testify-against-bill-that-would-make/article\\_d0c71154-abab-5f37-b5c6-3af15d612045.html](http://www.omaha.com/news/legislature/nebraska-election-dmv-officials-testify-against-bill-that-would-make/article_d0c71154-abab-5f37-b5c6-3af15d612045.html)

## Iowa Voter ID Election Bill Spurs Long Debate at Statehouse

Iowa lawmakers are moving toward joining 34 other states with laws requesting or requiring voters to show some form of identification before casting a ballot.

The Iowa House spent the March 8 afternoon and evening talking about House File 516, a Republican proposal that would make several changes to election administration, including voter registration, absentee voting, eliminating straight-ticket voting, conducting post-election audits and requiring voters to present an ID to participate in an election.

<http://www.thegazette.com/subject/news/government/iowa-voter-id-election-bill-spurs-long-debate-at-statehouse-20170308>

## McAuliffe Vetoes Fowler Bill on Photo ID for Absentee Ballots

Virginia Gov. Terry McAuliffe has vetoed a bill that would require voters to submit a photo ID when requesting a physical absentee ballot, calling it an “unnecessary and impractical barrier” to absentee voting. House Bill 1428, sponsored by Del. Hyland F. “Buddy” Fowler Jr., R-Hanover, would require any voter submitting an application for an absentee ballot by mail or by fax to submit with the application a copy of one of the forms of ID acceptable under current law.

[http://www.richmond.com/news/virginia/government-politics/mcauliffe-vetoes-fowler-bill-on-photo-id-for-absentee-ballots/article\\_a030897b-7f7e-5761-b6ab-](http://www.richmond.com/news/virginia/government-politics/mcauliffe-vetoes-fowler-bill-on-photo-id-for-absentee-ballots/article_a030897b-7f7e-5761-b6ab-)

[ae59efe3fcb6.html?utm\\_medium=social&utm\\_source=twitter&utm\\_campaign=user-share](http://www.arkansasonline.com/news/2017/mar/08/voter-id-measure-to-be-on-18-ballot-201/?f=news-arkansas)

## Voter ID Measure to Be on '18 ballot, Arkansas Senate OKs Proposed Amendment

<http://www.arkansasonline.com/news/2017/mar/08/voter-id-measure-to-be-on-18-ballot-201/?f=news-arkansas>

## Hundreds More Non-citizens Registered to Vote in Ohio

Republican Secretary of State Jon Husted's office said Feb. 27 that it has identified another 385 non-citizens who registered to vote in Ohio, and that 82 of those cast ballots in primary or general elections over the past half a dozen years. Adding to earlier checks of the voter rolls, that brings the total number of non-citizen voter registrations to 821 and non-citizens who cast ballots to 126 since Husted's office began taking count.

<http://www.the-news-leader.com/regional/2017/03/08/husted-reports-hundreds-more-noncitizens-registered-to-voter>

**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, August 21, 2018 10:36 AM EDT

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** Election Integrity Bulletin: Nearly 250 Counties Have More Registered Voters Than Eligible Voters

According to the [Government Accountability Institute](#), nearly 250 counties have more registered voters than eligible voters, a real issue not yet resolved by the states. While [Senator Bill Nelson](#) of Florida backtracks on the Russians, the [Iowa Secretary of State](#) calls the Russians out as propagandists and bad actors. Read all about it in this week's [Election Integrity Bulletin](#).

## LEAD

### **Breitbart: Exclusive—Eric Eggers: Nearly 250 Counties Have More Registered Voters than Eligible Voters**

Nearly 250 counties across the United States have more registered voters on the voting rolls than the number of eligible, citizen voters, Government Accountability Institute (GAI) research director Eric Eggers reveals in his new book. He said that voter fraud in the U.S. is a real issue that has yet to be dealt with. "You have 248 counties in this country that have more registered voters than you have citizens of legal voting age ... nearly three million people are registered to vote in more than one state. Even Barack Obama's administration said that yeah, maybe 16 million election registrations are completely inaccurate."

## FEDERAL

### **Florida: Bill Nelson Backtracks After Claiming Russia Hacked Florida Election Systems**

Senator Bill Nelson on Tuesday tried to back away from his unsupported claim that Russian operatives had managed to penetrate Florida's election databases ahead of the 2018 midterms. At a campaign event on Tuesday, he appeared to try to explain away that comment. "I want you to know why I said what I said," the Florida Democrat was filmed telling supporters at the event in Lake City. "It would be foolish to think if the Russians were in our election apparatus in Florida in 2016 and that has now been twice documented . . . that they are not continuing." Nelson added that he was merely reiterating a warning about midterm-election hacking.

### **Townhall: Yes, Opposing Voter ID Is UnAmerican**

@KMCRadio: "If you oppose voter ID you're unAmerican." Simple and to the point. Twitter didn't seem to think so. The arguments they made in response ran the gamut but the gist of them had to do with me being racist, elitist, and in some way attempting to throttle the possibility of a free electorate from participating in our grand republic. Voter IDs will guarantee that every vote cast is cast by a citizen of this nation and that will make the integrity of the process soar. And adding more integrity to the ethic of our elections is definitively a pro-American thing to do.

## STATES

### **Alabama: Judge Instructs Grand Jury to Consider Phenix City Voter Fraud Allegations**

Russell County's chief judge called the hand of the Alabama attorney general's office Monday morning when he instructed the new grand jury to consider the case of alleged Phenix City election fraud. Circuit Court Judge Michael Bellamy charged the grand jury, which has the responsibility to determine whether there should be an indictment in potential crimes, to consider facts from alleged voter fraud in a Nov. 14 Phenix City Council special election.

### **Arizona: Arizona Secretary of State Rejects ACLU Voter Registration Request**

Arizona Secretary of State Michele Reagan has rejected a request to unilaterally change more than 500,000 voter registration addresses to the address listed on driver's licenses. She says the American Civil Liberties Union wrote a letter to her office late last year. Reagan says the ACLU requested she direct the Department of Transportation to automatically update a person's voter registration address when they change information on their driver license using ADOT's website unless the voter opts out. Reagan says the ACLU also wanted her office to alter registration records without a voter's consent.

FL-SOS-19-0410-A000123

## **Florida: Elections Chief Snipes Ordered to Change Handling of Mail-In Ballots**

In a ruling that could make it easier for groups to challenge potentially ineligible absentee ballots, a Broward circuit judge has ordered Elections Supervisor Brenda Snipes to change the way her office handles those mailed-in votes. The Republican Party of Florida had sought the ruling... Judge Raag Singhal said Florida law was clear on the subject: The ballots should not be opened until the county's three-member canvassing board had determined the validity of the ballots.

## **Florida: Were 275 Votes Cast by Florida Felons Illegally?**

Miami-Dade prosecutors investigate Miami-Dade corruption prosecutors are investigating allegations that at least 275 ineligible felons voted illegally in the county's November 2016 general election. The questionable ballots were discovered during an examination of a sample of 922 registered, but ineligible felon voters identified and purged by the Miami-Dade Supervisor of Elections Office in the six months after the 2016 election. The investigation was disclosed in a July 25 email from prosecutors to Andrew Ladanowski, a Coral Springs data analyst.

## **Iowa: Secretary of State Paul Pate: Russians Haven't Hacked Iowa**

Attempts by foreign interests to impact Iowa elections have been unsuccessful so far, according to Iowa Secretary of State Paul Pate. "Not a single vote has ever been touched here by Russia or any bad actors," Pate said. "Hundreds of thousands of bad actors every day try to get into government systems – state, counties, schools – either to show off or steal identities or create discord and a lack of confidence in the voting system," he said. "The cold war isn't over, it's just shifted gears – propaganda and trade wars are where it's at today," Pate said.

## **Nevada: Las Vegas Man Gets Probation for Voter Fraud Scheme**

A Las Vegas man was given a suspended sentence and placed on probation by a judge for his role in a voter fraud scheme during the 2016 election, Nevada law officials announced Wednesday. Renaldo Johnson, 56, had pleaded guilty to a single felony count of misconduct in signing, filing, or altering a petition for his role in falsifying signatures in an attempt to qualify the Nevada Green Party for the general election ballot in 2016.

## **North Carolina: Wake County Man Sentenced for Illegally Voting in U.S. Elections**

A Wake County man was sentenced to four months in prison for illegally voting in the 2012 and 2016 elections. Roberto Hernandez-Cuarenta, 57, of Zebulon, was convicted on two counts of voting by alien. Although Hernandez-Cuarenta is a legal resident of the United States, the native of Mexico is not a U.S. citizen, rendering him ineligible to cast ballots in U.S. elections. According to authorities, Hernandez-Cuarenta, "knowing he was not a United States citizen, did knowingly vote in two elections. The right to vote is a precious privilege available only to citizens of the United States," said Robert J. Higdon Jr., United States Attorney for the Eastern District of North Carolina. "When a non-citizen votes in a federal election it serves to dilute and devalue the vote of American citizens and places the decision-making authority of the American electorate in the hands of those who have no right to make those choices."

## **Texas: Woman Pleads Guilty to Voter Fraud, Sentenced to Five Days in Jail**

Cynthia Gonzalez was charged with three election code violations. Investigators said those include marking a ballot and then sending it in for another voter. Gonzalez pleaded guilty in San Patricio County court Tuesday. Nueces County Elections Clerk Kara Sands said the charges send a clear message -- they will not tolerate voter fraud.

## **REDISTRICTING**

### **The Hill: Pioneer of Modern Redistricting Dies at 75**

For more than four decades, when Republicans needed strategic advice drawing political boundaries, the party turned to a small cadre of expert cartographers, trained in the rare art of redistricting. At the heart of that group was Tom Hofeller. A mild-mannered California native who rarely allowed himself to be quoted in the media, Hofeller may be more responsible for the Republican majority in Congress than any other single person in modern politics. He is one of only a handful of people who helped create the modern redistricting process, first by crafting district lines meant to overcome decades of Democratic advantages



and then by tilting the field in favor of Republicans in later years.

**The American Civil Rights Union**

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**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Wednesday, September 05, 2018 9:59 AM EDT

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** Election Integrity Bulletin: President Trump calls NC Redistricting Decision Unfair; Non-Citizen Voters Identified in Cities Across the U.S.

President Trump calls North Carolina redistricting [ruling 'unfair.'](#) and Republicans [warn of chaos](#) in election after the ruling. Trump also [vows to fight censorship](#) of conservatives by social media firms. [A new report](#) finds thousands of foreign nationals registered to vote in 13 cities across the country. A [Virginia Democrat](#) accuses his party of gerrymandering with a proposed map. More voting and redistricting news in the [Election Integrity Bulletin](#).

## LEAD

### Trump Calls North Carolina Redistricting Ruling 'Unfair'

President Trump tore into a court's ruling this week that struck down the state's GOP-drawn redistricting map as an unconstitutional gerrymander, suggesting that "there has to be something going on. How unfair is that?" Trump said during a speech at a GOP fundraising event.

## FEDERAL

### Reuters: Trump Vows to Fight Censorship of Conservatives by Social Media Firms

President Donald Trump told a campaign-style rally in Indiana that his administration is standing up for free-speech rights, warning that large social media companies could not be allowed to "control what we can and cannot see." "You look at Google, Facebook, Twitter and other social media giants and I made it clear that we as a country cannot tolerate political censorship, blacklisting and rigged search results," Trump said.

### Daily Caller: Thousands of Foreign Nationals Registered to Vote in 13 Sanctuary Cities

More than 3,000 foreign nationals were removed from voter rolls across 13 sanctuary jurisdictions from 2006 to 2018, according to Public Interest Legal Foundation research released. The study, which collected data on 13 sanctuary cities and counties in seven different states, discovered that approximately 3,120 non-U.S. citizens had been removed, and that some of those non-citizens had cast votes in U.S. elections.

## STATES

### Alaska: Investigation into 17 Voter Registrations Trace to Single Mobile Home

A potential investigation hangs over an Alaska State House Republican primary after the race came down to a few votes, but irregularities like 17 voter registrations that trace back to a single mobile home address caught the attention of the Alaska Division of Elections. Incumbent Gabrielle LeDoux leads challenger Aaron Weaver by 113 votes after Tuesday's election, but at least 26 absentee ballots for LeDoux are classified as "suspect" by the state Division of Elections, reported KTVA.

### Arizona: Human Error Plagues Arizona Primary Voting

For all the worries about Russian hackers and other cyber-vandals, voting problems this week in Arizona served as a reminder that one of the biggest threats to fair elections is plain old human error. That appeared to be the case during Tuesday's primary, when dozens of polling places in the state's most populous county opened late because the voter verification machinery had not been set up. Sixty-two of the county's 750 or so polling locations did not open first thing in the morning, though all were up and running before noon.

### Kentucky: Attorney General Promises 'Due Diligence' on SOS Grimes Allegations

Democratic Attorney General Andy Beshear says his office will move with the appropriate speed in its handling of new ethics complaints against Secretary of State Alison Lundergan Grimes, but Republicans are skeptical. Beshear confirmed his office received a copy of the letter from State Board of Elections director Jared Dearing, accusing Grimes – a fellow Democrat – of misusing Kentucky's voter database and directing staff not to follow a federal court order.

FL-SOS-19-0410-A000126

## **Nevada: DMV Instructed Employees to Register Non-Citizens to Vote**

Nevada's Secretary of State Barbara Cegavske blamed the Department of Motor Vehicles voter registration process for adding people to the state voter rolls who were not U.S. Citizens in a letter. "It has come to our attention that when offering voter registration opportunities to customers, DMV's employees offer voter registration materials to DMV customers whom they know to be non-citizens based upon their presentation of a Green Card for identification purposes," according to Cegavske. "Moreover, we now have confirmed that some non-citizens illegally cast votes in the 2016 election."

## **New York: Where Are All the Voters Without an ID?**

Documentary filmmaker Ami Horowitz interviewed minorities in East Harlem to see if they have identification. Their response? Of course, I have an ID! "Why would someone think I don't have an ID?" When asked if they knew anyone without ID or anyone who could not afford to get ID, all answered no. Some thought it was rude and ignorant to assume they had no ID or that they were unable to figure out how to get one.

## **North Carolina: N.C. Supreme Court Halts Printing Election Ballots Amid NAACP Challenge**

The North Carolina Supreme Court ordered the state's elections board to halt preparation of voting ballots amid a legal challenge from the NAACP. The N.C. Board of Elections and Ethics Enforcement was supposed to begin Aug. 17, so that absentee ballots could be sent by Sept. 7. "Ballot layout and printing vendors require at least twenty-one days for ballot production," Lawson wrote in an email. "A prior stay effectively reduced the absentee period to the federal minimum, beginning September 22."

## **North Carolina: Judges Rule Rewritten NC Constitutional Amendments Can Appear on Ballot**

The rewritten questions that frame two proposed amendments to the North Carolina Constitution should remain on November ballots, a panel of state judges ruled Friday. The questions had been rewritten after some of the same judges blocked earlier versions of the referendums. The three trial judges unanimously denied a motion sought by Democratic Gov. Roy Cooper to block the amendments. A quick appeal by Cooper to the state Supreme Court is now expected, perhaps later Friday, as state elections officials are up against a timeline to begin arranging and printing state ballots.

## **Texas: Texas Attorney General Investigating Alleged Gregg County Voter Fraud**

The Texas Attorney's General Office is sending agents to investigate voter fraud in Gregg County. In May a fraud complaint was made in regard to the absentee ballots for Precinct Four's Commissioners race. Former Longview Councilwoman Kasha Williams lost the race due to five absentee ballots. The complaint suspects someone paid for those votes.

## **Texas: Tarrant County Woman Who Voted Illegally is Ordered Back to Federal Prison**

A Tarrant County woman who voted illegally in the 2016 presidential election while on supervised release will have to go back to federal prison. A federal judge in Fort Worth ruled that Crystal Mason, 43, must spend 10 months behind bars followed by 26 months of supervised release.

## **Texas: Election Judge May Carry a Firearm in Performance of Official Duties**

Texas attorney general says election judges can start packing heat. Election workers who run polling places now have the state's blessing to carry guns there. In an opinion released Tuesday, Attorney General Ken Paxton said so-called election judges who are licensed to carry a firearm can do so during the performance of their official duties. The opinion was issued after a Republican lawmaker raised concerns about the safety of these poll workers in rural areas.

## **REDISTRICTING**

### **Missouri Redistricting Initiative Facing Court Challenge**

Republican-aligned attorneys urged a judge Friday to block people from voting on a Missouri ballot measure that could upend political power at the Capitol by requiring state legislative districts to be drawn to achieve "partisan fairness" and "competitiveness." The lawyers argued that the so-called Clean Missouri initiative, which also would bar lawmakers from accepting lobbyist gifts worth more than \$5,000, violates the

PL SOS-19-0410-A000127

state constitution by addressing multiple subjects.

### **N.C. Republicans Warn of ‘Unmitigated Chaos’ After Judges Strike Down House District Maps**

The top Republicans in North Carolina’s General Assembly say they will appeal to the Supreme Court to overturn a federal court ruling striking down the state’s U.S. House district maps. They will ask the U.S. Supreme Court to stay an appeals court ruling that ordered new maps drawn before November’s midterm elections, which are 69 days away. The panel gave plaintiffs and respondents until Friday to suggest a path forward, one that could lead to new district lines being drawn just days before the state Board of Elections has to print ballots for midterm elections on Nov. 6.

### **Virginia: Virginia Democrat Accuses His Party of Gerrymandering**

Virginia state Democrat accused his party of “gerrymandering in response to gerrymandering” during a special session of the Virginia state legislature. “It’s a self-serving political power grab,” state Del. Steve Heretick said, according to The Washington Post. “It’s gerrymandering in response to gerrymandering. It’s tit for tat.” Virginia Democrats proposed a redistricting map that Republicans, as well as Heretick, have criticized.

#### **The American Civil Rights Union**

3213 Duke St., #625

Alexandria, VA 22314

<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

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**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, April 03, 2017 12:19 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** Election Integrity Bulletin April 3, 2017  
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#### FEDERAL

How Liberal professors Are Blackballing Studies Confirming Trump's Claim of Vote Fraud

Conservative Attorneys Urge Sessions to Clean Up Obama's 'Partisan' Civil Rights Division

McConnell: Gorsuch Will Be Confirmed this Week

Why Republicans Can't Find the Big Voter Fraud Conspiracy

#### STATES

New Hampshire Investigating Possible Voter Fraud by Hundreds

Vermont Lawyer Asks Court to Cancel Election over Alleged Vote Fraud

Nigerian Citizen Indicted for Felonies, Including Vote Fraud

West Tennessee City Alderman Indicted for Voter Fraud, Double Voting

Terry McAuliffe -- Virginia's Voter-Fraud Guru



April 3, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### How Liberal professors Are Blackballing Studies Confirming Trump's Claim of Vote Fraud

More than 90 political scientists have signed an open letter calling for the blacklisting of studies done by Virginia professors who estimated that thousands, and perhaps millions, of non-citizens register and vote illegally in U.S. elections. Political science professor Jesse Richman of Old Dominion University in Norfolk is one of three academics who have produced research on non-citizen voting. The research has irked liberal professors who contend that their surveys show that “zero” of some 20 million non-citizens vote in the U.S. Conservative activists are driving the anti-fraud vote movement, without much help from establishment Republicans.

Mr. Richman and his associates relied heavily on the Cooperative Congressional Election Study (CCES), spearheaded by Harvard professor Stephen Ansolabehere, other scholars and the polling firm You.Gov. The biennial study on voters and their views is produced by a consortium of 28 universities. Its lengthy questionnaire asks about voters' citizenship status, and a significant number of respondents anonymously acknowledged they were not citizens when they voted. The most frequent journalistic synopsis of Mr. Richman's studies is that 38,000 to as many as 2.8 million noncitizens voted in the 2008 presidential election.

<http://www.washingtontimes.com/news/2017/mar/29/noncitizens-voting-research-irks-liberal-professor/>

### Conservative Attorneys Urge Sessions to Clean Up Obama's 'Partisan' Civil Rights Division

A letter to Attorney General Jeff Sessions, which was signed by 25 attorneys, journalists, and Kansas' sitting secretary of state, offers guidance on how to evaluate candidates for assistant attorney general for the Civil Rights Division. The Public Interest Legal Foundation, an Indiana-based group that litigates to protect election integrity, released the letter. "During the Obama administration, the Division served purely ideological ends with rigidity unmatched in other federal offices," the letter reads. "Entrenched federal bureaucrats jettisoned precepts like equal enforcement in favor of political and racialized dogmas with a zeal that risks litigation failure and invites court sanctions.

Worst of all, the Division has placed itself in the passenger seat while political allies bring faulty actions against the states working to protect their votes."

<http://freebeacon.com/issues/conservative-attorneys-urge-sessions-clean-obamas-partisan-civil-rights-division/>

## McConnell: Gorsuch Will Be Confirmed this Week

"Unanimously well-qualified by the American Bar Association – my counterpart, Sen. Schumer, once called that the gold standard," Senate Majority Leader Mitch McConnell said of Supreme Court nominee Neil Gorsuch. "I think it is noteworthy that no Supreme Court justice has ever, in the history of our country, been stopped by a partisan filibuster — ever." He added, "We're going to confirm Judge Gorsuch this week."

<http://www.breitbart.com/video/2017/04/02/mcconnell-going-confirm-judge-gorsuch-week/>

## Why Republicans Can't Find the Big Voter Fraud Conspiracy

Hans von Spakovsky, now head of the Election Law Reform initiative at the Heritage Foundation and an American Civil Rights Union Policy Board member, is a cheerleader for more restrictive voting laws. In February, he published a piece titled "Why Trump's Probe of Voter Fraud is Long Overdue."

Asked whether he would be involved in the new administration, he said, "I have no idea. Nobody's called me about it." But he has plenty of ideas to offer. "Voter fraud, to be able to detect it, you have to work at it," he says. He thinks prosecutors should contact the chief voting registrar in their districts and ask for lists of people who are not citizens, or are registered in more than one state. And since voter registration lists are used to create jury pools, they should investigate everyone called for federal jury duty who is excused for being a noncitizen. "That's just a very basic, easy step," he says.

<http://www.politico.com/magazine/story/2017/04/why-republicans-cant-find-the-big-voter-fraud-conspiracy-214972>

## STATES

## New Hampshire Investigating Possible Voter Fraud by Hundreds

New Hampshire is investigating possible voter fraud involving 458 people who cast ballots in November's election. A local station reported the numbers after New Hampshire's secretary of state provided them, noting that if in fact 458 people did vote illegally, it could have had an effect on the outcome of close local races. Republican Sen. Kelly Ayotte lost her re-election bid to Democrat Gov. Maggie Hassan by around 1,000 votes.

Ap

<http://www.newsmax.com/TheWire/new-hampshire-investigating-voter-fraud/2017/03/28/id/781254/>



## Vermont Lawyer Asks Court to Cancel Election over Alleged Vote Fraud

A well-known attorney in Vermont has asked a court to cancel the town of Victory's April 5 run-off election, claiming the voter checklist contains unqualified voters and non-residents, 11 of whom allegedly cast absentee ballots on Town Meeting Day.

<http://watchdog.org/292023/victory-voter-fraud/>

## Nigerian Citizen Indicted for Felonies, Including Vote Fraud

A federal grand jury in St. Louis returned a superseding indictment on March 29 charging Kevin Kunlay Williams, also known as Kunlay Sodipo, with mail fraud, aggravated identity theft, voter fraud, illegal re-entry and being a felon in possession of a firearm. Williams and others allegedly used public school employees' IDs stolen from a payroll company to file more than 2,000 fraudulent federal income tax returns. Williams also allegedly used fraudulently obtained identification numbers to obtain refund checks. Williams was deported in 1995 but allegedly returned illegally in 1999 and voted illegally in the 2012 and 2016 elections.

<http://www.ksdk.com/news/crime/nigerian-citizen-indicted-in-stolen-identity-refund-fraud/426805494>

## West Tennessee City Alderman Indicted for Voter Fraud, Double Voting

A grand jury indicated a Moscow city alderman with false entry on an official registration or election document, one count of perjury, false statement, and five counts of voter fraud. The official allegedly double voted on multiple occasions.

<http://www.lebanondemocrat.com/Law-Enforcement/2017/03/30/City-alderman-in-West-Tennessee-charged-with-voter-fraud.html>

## Terry McAuliffe — Virginia's Voter-Fraud Guru

Virginia Gov. Terry McAuliffe, the former head of the Democratic National Committee, is at it again, vetoing six bills aimed at preventing voter fraud and illegal voting. What does he have against election integrity? Why does he want to make it easier to commit fraud and harder for election officials to detect or deter it? Voter fraud is a problem in the Commonwealth of Virginia and nationwide. The database that the Heritage Foundation started less than two years ago is already up to 474 cases and 755 criminal convictions — and this is just the tip of the iceberg, since many cases go unreported and unprosecuted. According to a 2016 report by the Public Interest Legal Foundation, a small sample of only eight counties in Virginia showed 1,046 non-citizens who were registered to vote, many of whom had voted before they were removed from the voter rolls. Heritage's database shows voter-fraud convictions in Virginia for everything from absentee-ballot fraud to false registrations to vote buying.

<http://www.nationalreview.com/article/446286/terry-mcauliffe-voter-fraud-virginia>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, March 27, 2017 3:10 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** Election Integrity Bulletin for March 27, 2017  
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#### **Federal**

Comey's Testimony Killed the 'Russians Election Hacking' False Narrative

Schumer: Democrats Will Filibuster Gorsuch

Dems Launch Another New Group to Lead Redistricting Court Battles

Obama Poised to Jump Into Redistricting Fight

Russ Feingold Launches Group Aimed at Ending Electoral College

#### **The States**

Wisconsin Election Officials Blame Bernie Sanders for Minors Illegally Voting in 2016

Nevada Governor Sandoval Vetoes Automatic Voter Registration Initiative

Former Colorado GOP Chair Charged With Voter Fraud

Philadelphia Election Fraud Task Force Launches Investigation into Special Election

New Yorkers Who Don't Vote Would Pay \$10 fine under Assemblywoman's Bill

Arizona Governor Signs Bill Banning Pay-Per-Signature on Citizen Initiative Petitions

We hope that you are finding these weekly updates useful and we welcome your suggestions for improvement.

Thank you,

Susan



March 27, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### Comey's Testimony Killed the 'Russians Election Hacking' False Narrative

Testifying before the House Intelligence Committee on March 20, NSA Director Admiral Michael Rogers and FBI Director James Comey stated unequivocally that there was no evidence the Russians manipulated election machines to rig the vote. Asked by Rep. Devin Nunes (R-Calif.) if there was any intelligence to suggest the vote tallies in several states were tampered with, Admiral Rogers stated, "No, sir." Yet the mainstream media have been deceitfully pushing the "Russia hacked the election" narrative for months.

<https://www.conservativereview.com/commentary/2017/03/comeys-testimony-just-killed-the-russians-election-hacking-false-narrative>

### Schumer: Democrats Will Filibuster Gorsuch

With Schumer's announcement that he will lead a filibuster of Gorsuch's nomination, Republicans must either pick up eight Democrats to join Republicans in voting for cloture, or Republicans must hold together at least 50 of their 52 members (with Vice President Mike Pence as a tie-breaker) to extend the constitutional option to Supreme Court nominations.

<http://www.breitbart.com/big-government/2017/03/23/schumer-democrats-will-filibuster-gorsuch/>

### Dems Launch Another New Group to Lead Redistricting Court Battles

Democrats continue to fight Republican-led redistricting efforts, and a new group, Protect Voters Now!, wants to direct funds to court challenges already in place, according to a March 21 press release. The new group hopes to provide better funding and assistance to redistricting challenges currently underway in Michigan, New Hampshire, Colorado, Florida, Nevada, and New Mexico. "(Protect Voters Now!) will leverage our tremendous assets on the ground in the states by combining legislative advocacy, communications, lobbying, grassroots organizing, litigation strategy and

district-level targeting to bring the full force of our progressive campaign coalition to fights for the right to vote," the release said.

[https://democracychronicles.org/redistricting-court-battles/?utm\\_source=dlvr.it&utm\\_medium=twitter](https://democracychronicles.org/redistricting-court-battles/?utm_source=dlvr.it&utm_medium=twitter)

## Obama Poised to Jump Into Redistricting Fight

Former President Barack Obama has maintained a "low-key" profile since President Donald Trump's inauguration, but he did issue a statement on Obamacare this week and will be returning to Washington, D.C., to join the fight of redistricting, according to The Washington Post. Former Attorney General Eric Holder is leading the former president's post-White House political agenda "for now," specifically the effort to help Democrats redraw legislative voting maps to be more favorable, per the report.

<http://www.newsmax.com/US/obama-barack-obama-redistricting/2017/03/26/id/780840/>

## Russ Feingold Launches Group Aimed at Ending Electoral College

Former U.S. Sen. Russ Feingold (D-Wis.) edged back into the political sphere last Wednesday, announcing he is launching a group that will advocate abolishing the Electoral College. The group, LegitAction, also will focus on voting rights, campaign finance reform and "protecting the independence and credibility of" the U.S. Supreme Court.

[http://journaltimes.com/news/state-and-regional/russ-feingold-launches-new-group-aimed-at-ending-electoral-college/article\\_c3f86ce2-1228-52a1-8c64-fe7071adf998.html](http://journaltimes.com/news/state-and-regional/russ-feingold-launches-new-group-aimed-at-ending-electoral-college/article_c3f86ce2-1228-52a1-8c64-fe7071adf998.html)

### STATES

## Wisconsin Election Officials Blame Bernie Sanders for Minors Illegally Voting in 2016

Wisconsin election officials last week in part blamed Sen. Bernie Sanders' (I., Vt.) failed presidential campaign for 17-year-olds illegally voting in the state's 2016 presidential primary. A Wisconsin Elections Commission report found that up to 70 teenagers voted illegally in about 30 of the state's counties during the April primaries.

<http://freebeacon.com/politics/wisconsin-election-officials-blame-bernie-sanders-minors-illegally-voting-2016/>

## Nevada Governor Sandoval Vetoes Automatic Voter Registration Initiative

In his veto message, Brian Sandoval said the measure “extinguishes a fundamental, individual choice — the right of eligible voters to decide for themselves whether they desire to apply to register to vote — forfeiting this basic decision to state government.” Sandoval added that it “would create an unnecessary risk that people who are not qualified voters may unintentionally apply to vote, subjecting them to possible criminal prosecution, fines and other legal action.” The Automatic Voter Registration Initiative, or IP1, was sent to the governor last week after it received final legislative approval by the Democrat-controlled Senate and Assembly in a party line vote.

<http://www.reviewjournal.com/news/politics-and-government/nevada/sandoval-s-first-veto-2017-session-rejects-voter-registration>

## Former Colorado GOP Chair Charged With Voter Fraud

Steve Curtis, now a conservative radio host, is accused of completing and mailing his ex-wife's ballot in the previous election, according to Fox News affiliate KDVR in Denver. Curtis' ex-wife, Kelly Curtis, discovered her ballot was already delivered when she contacted her local elections office in October after moving to South Carolina to find out how to vote.

<http://www.newsmax.com/Politics/voter-fraud-Republican-Colorado/2017/03/22/id/780195/>

## Philadelphia Election Fraud Task Force Launches Investigation into Special Election

The Election Fraud Task Force in the Philadelphia District Attorney's Office has launched an investigation into the special election in the 197th Legislative District. The District Attorney's Office says that on March 21, the task force received about 50 calls to its hotline and responded to several dozen allegations of illegal activity at polling places across the 197th District. Some of the issues they are investigating include the use and placement of candidate write-in stamps, electioneering inside the polling place, illegal voter assistance and individuals writing on posted sample ballots.

<http://philadelphia.cbslocal.com/2017/03/24/election-fraud-task-force-launches-investigation-into-special-election-in-197th-district/#.WNbxdqjI3jE.twitter>

## New Yorkers Who Don't Vote Would Pay \$10 fine under Assemblywoman's Bill

A state lawmaker from Manhattan wants to make it costly for New Yorkers not to vote.

Assemblywoman Deborah Glick, a Democrat, introduced legislation this week that would establish “compulsory voting” in the state and punish those who don’t vote with a \$10 fine. “Mandatory voting would drastically increase civic participation and transform the political arena by making politicians more reflective of the constituents that elected them,” Glick wrote in a memo submitted with the bill.

<http://www.nydailynews.com/news/politics/new-yorkers-don-vote-pay-10-proposed-bill-article-1.3001499?cid=bitly>

## Arizona Governor Signs Bill Banning Pay-Per-Signature on Citizen Initiative Petitions

Doug Ducey signed into law a bill that will reshape how citizen-initiative campaigns are conducted in Arizona. The measure, House Bill 2404, was promoted as a way to fight fraud in petition-signature gathering by banning the paying of circulators for each signature they collect. Instead, they would most likely earn an hourly wage.

<http://www.azcentral.com/story/news/politics/legislature/2017/03/23/arizona-bill-banning-pay-per-signature-ciitizen-initiative-petitions/99557348/>



**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, March 20, 2017 12:24 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
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FEDERAL

15 States File Amicus Brief Seeking Clarification on NVRA, Non-Voting and List Maintenance

Judicial Watch Files Supreme Court Brief Supporting Ohio's Right to Clean Voter Rolls

Von Spakovsky: Department of Justice's Latest Misbehavior

Fifth Circuit Judge Assails DOJ 'Arrogance' in Voting Rights Case

That Study Suggesting Voter ID Laws Diminish Non-white Turnout Has Just Been Debunked

STATES

Maryland County's Count Suggests Non-Citizens Voting across U.S.

Virginia Voter ID Study

West Virginia Partners With Other States to Prevent Vote Fraud

Voter ID Law Likely to Pass in Iowa, but Not Without Opposition

Judge Dismisses Suit Alleging Georgia Wrongly Bumped Voters off Voter Rolls

Texas Senate Panel Overhauls Voter ID law

Sandoval May Veto Nevada Voter Registrations Petition



March 20, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### 15 States File Amicus Brief Seeking Clarification on NVRA, Non-Voting and List Maintenance

Fifteen states have filed an amicus brief in the U.S. Supreme Court asking it to hear a case in order to clarify if and how states may use evidence of non-voting as a factor in removing voters from the rolls. There, plaintiffs challenged the state's "supplemental process" for list maintenance, which uses failure to vote over a two-year period as a trigger for mailings seeking confirmation that the voter still wishes to vote. The allegation is that the use of non-voting as a trigger violates the National Voter Registration Act (NVRA), which expressly prohibits the removal of voters simply for failure to vote. The amicus brief – filed last Friday by the state of Georgia and 14 other states (Alaska, Idaho, Kansas, Louisiana, Michigan, Missouri, Montana, Nevada, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and West Virginia) asks the Supreme Court to hear the case and clarify whether use of non-voting data as a trigger violates the NVRA.

<http://editions.lib.umn.edu/electionacademy/2017/03/14/15-states-file-amicus-brief-seeking-clarification-on-nvra-non-voting-and-list-maintenance/>

### Judicial Watch Files Supreme Court Brief Supporting Ohio's Right to Clean Voter Rolls

Judicial Watch Attorney Robert Popper and five other former DOJ Civil Rights Division attorneys filed a brief with the U.S. Supreme Court in support of

Ohio's efforts to ensure that its voter rolls are up to date. Ohio was contacting inactive voters every year to confirm that they had not moved or died, as one of many steps to fulfill Ohio's voter list maintenance obligations under the NVRA.

<http://www.judicialwatch.org/press-room/press-releases/judicial-watch-files-supreme-court-amicus-supporting-ohios-right-clean-voter-rolls/>

### Von Spakovsky: Department of Justice's Latest Misbehavior

According to 5th Circuit Court of Appeals Judge Jerry Smith in a recent redistricting opinion out of Texas, *Perez v. Abbott*, it was "obvious, from the start, that the Justice Department attorneys viewed state officials and the legislative majority and their staffs as a bunch of backwoods hayseed bigots who bemoan the abolition of the poll tax and pine for the days of literacy tests and lynchings." The Justice lawyers "saw themselves as an expeditionary landing party arriving here, just in time, to rescue the state from oppression, obviously presuming that plaintiffs' counsel were not up to the task. Christian Adams says that Voting Section lawyers even hung a sign inside the section saying, "Mess With Texas," mocking the state's slogan: "Don't Mess With Texas."

<http://dailysignal.com/2017/03/17/the-justice-departments-latest-misbehavior/>

### Fifth Circuit Judge Assails DOJ 'Arrogance' in Voting Rights Case

A blistering dissent from a ruling issued by a three-judge panel in a Texas redistricting case—in which the dissenting judge took issue with eye-rolling, gum chewing and what he perceived as "contempt" from a

Department of Justice lawyer—has garnered Texas Attorney General Ken Paxton's seal of approval.  
<http://www.texaslawyer.com/id=1202781164791/Fifth-Circuit-Judge-Assails-DOJ-Arrogance-in-Voting-Rights-Case?mcode=1202615604418&slreturn=20170220081031>

## That Study Suggesting Voter ID Laws Diminish Non-white Turnout Has Just Been Debunked

Only one apparently credible study had ever suggested that voter ID laws suppress minority turnout. And that study, it turns out, is bunk, as Vox reports — albeit with commentary further down that continues to assume the unjustified conclusion.

The original study, which was widely reported when it came out last month, has been reviewed by professors at Stanford, Yale, and UPenn, who concluded with convincing evidence that there's basically nothing to it:

Strict voter ID laws may reduce turnout, particularly among minorities, but the evidence presented in HLN does not constitute reliable information documenting such a relationship. HLN's measures of turnout often substantially differ from official state turnout. Further, the core analysis in HLN, a series of cross-sectional regressions, does not credibly isolate the causal effect of voter ID laws because of the presence of unobserved differences between states with and without these laws. A placebo test of HLN's model shows a statistically significant relationship between future implementation of voter ID laws and turnout, an indication of omitted variable bias. Finally, HLN's difference-in-differences approach, which is better equipped to address this problem, is incorrectly interpreted in the text of the paper  
<http://www.washingtonexaminer.com/that-study-suggesting-voter-id-laws-diminish-non-white-turnout-has-just-been-debunked/article/2617434>

## Voter ID Study

Link:  
[http://stanford.edu/~jgrimmer/comment\\_final.pdf](http://stanford.edu/~jgrimmer/comment_final.pdf)

## STATES

### Maryland County's Count Suggests Non-Citizens Voting across U.S.

The debate over noncitizens voting was a hot topic a few years ago in Frederick County, a prosperous Maryland suburb wedged between Washington's urban metropolis and the state's rural western gateway to the rest of America.

Conservative activists went to court to show that noncitizens were registering fraudulently to vote. A court employee met their request by turning over pages of residents' names disqualified from jury duty because of alien status.

When those lists were compared with voting records for just three years — 2007, 2008 and 2011 — nearly 180 noncitizens were found to have registered to vote. Of those, 63 had voted, some in multiple elections. The 180 registered votes came from 1,400 disqualified noncitizens in those three years, a rate of 12.8 percent.

<http://www.washingtontimes.com/news/2017/mar/19/noncitizens-voting-across-us-frederick-county-coun/>

### Virginia Voter ID Study

A study in the Journal of Empirical Legal Studies “sought to determine the impact of strict voter ID laws on voter turnout. It analyzed precinct-level election data from Virginia’s 2013 gubernatorial race and Virginia’s 2014 U.S. Senate race. These elections were similarly competitive, statewide, and occurred during nonpresidential election years, but more importantly, Virginia’s strict photo ID law was passed in July 2014. This study sought to isolate the effect of its passing by comparing the turnout data of these two races (one which took place before the law was passed, and the other after) with other census and survey data. It found that, all else being equal, turnout was surprisingly higher in places where more active registered voters lacked a driver's license, including for some minority voters.”

Link:

<http://onlinelibrary.wiley.com/doi/10.1111/jels.12142/full>

## West Virginia Partners With Other States to Prevent Vote Fraud

Video:

[http://www.wvalways.com//Clip/13182689/west-virginia-partners-with-other-states-to-prevent-voter-fraud#.WM2oIj\\_ddn4.twitter](http://www.wvalways.com//Clip/13182689/west-virginia-partners-with-other-states-to-prevent-voter-fraud#.WM2oIj_ddn4.twitter)

## Voter ID Law Likely to Pass in Iowa, but Not Without Opposition

More than 30 states have enacted some form of a voter identification requirement in recent years, and Iowa could join that list, as a contentious voter ID bill continues to be discussed at the statehouse.

<http://iowapublicradio.org/post/voter-id-law-likely-pass-iowa-not-without-opposition#stream/0>

## Judge Dismisses Suit Alleging Georgia Wrongly Bumped Voters off Voter Rolls

In the 21 page ruling, U.S. District Judge Timothy C. Batten Sr. said the state had taken a “reasonable and nondiscriminatory” approach in trying to reach voters who had not cast a recent ballot to confirm their addresses. Under state law, registered voters are mailed a confirmation notice following a more than three-year period of “no-contact” with election officials. If voters do not respond to the notice within 30 days, they are designated as inactive – something that does not prevent them from voting and does not change their registration status.

<http://www.ajc.com/news/state--regional-govt--politics/judge-dismisses-suit-alleging-georgia-wrongly-bumped-voters-off-rolls/TQS4c2yrM5MOszAzWpiNyK/>

## Texas Senate Panel Overhauls Voter ID law

Filed by Committee Chairwoman Joan Huffman, Senate Bill 5 would add options for Texas voters who say they cannot “reasonably” obtain one of seven forms of ID currently required at the polls. It would also create harsh criminal penalties for those who falsely claim they need to choose from the expanded list of options. Huffman's bill would allow voters older than 70 to cast ballots using expired but otherwise acceptable photo IDs. The bill would also require the Texas secretary of state to create a mobile program for issuing election identification certificates. “The people of the state of Texas demand integrity at the ballot box,” Huffman said Monday. “I am committed to constitutionally sound voter ID.” Huffman’s bill would follow that format, allowing voters without photo identification to present documents such as a utility bill, bank statement or paycheck. And election officers could not question the “reasonableness” of the excuse for not having photo ID. But those found to have lied about not possessing photo ID could be charged with a third-degree felony under Huffman’s bill. Such crimes carry penalties of two to 10 years in prison.

<http://www.reporternews.com/story/news/local/texas/2017/03/13/senate-panel-overhauls-voter-id/99142672/>

## Sandoval May Veto Nevada Voter Registration Petition

Gov. Brian Sandoval issued a statement last Tuesday saying he may veto Initiative Petition 1, mandating DMV register voters when they get or renew a drivers' license. The measure has now cleared both houses of the Nevada Legislature pretty much on party line votes and is on its way to his desk where staff says he will review the measure.

"Nevada has a respected election system with a high percentage of registered voters and participant rate," the statement says. "The state also recently reached an agreement that provides that it is in compliance with the Voting Rights Act."

<http://www.nevadaappeal.com/news/government/sandoval-may-veto-nevada-voter-registration-petition/>

**From:** Modrow, Janet <Janet.Modrow@DOS.MyFlorida.com>  
**Sent:** Thursday, July 27, 2017 5:37 PM EDT  
**To:** ElectionIntegrityStaff@ovp.eop.gov <ElectionIntegrityStaff@ovp.eop.gov>  
**CC:** Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Brown, George <George.Brown@dos.myflorida.com>  
**Subject:** Election Integrity  
**Attachment(s):** "July 26, 2017 Letter from Vice Chair Kris Kobach to Florida.pdf"

Dear Mr. Williams,

In response to the attached letter, I will be your contact person at the Florida Department of State for the data submittals to the Presidential Advisory Commission on Election Integrity.

Please email or call me at your earliest convenience.

Respectfully,

**Janet Modrow, PMP®**

Data Processing Manager, Administrative Services

Florida Department of State

R. A. Gray Building

500 S. Bronough Street

Tallahassee, Florida 32399-0250

(850)245-6232

[janet.modrow@dos.myflorida.com](mailto:janet.modrow@dos.myflorida.com)

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## Presidential Advisory Commission on Election Integrity

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July 26, 2017

Office of the Secretary of State of Florida  
The Honorable Ken Detzner, Secretary of State  
R.A. Gray Bldg., 500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Detzner,

In my capacity as Vice Chair of the Presidential Advisory Commission on Election Integrity, I wrote to you on June 28, 2017, to request publicly available voter registration records. On July 10, 2017, the Commission staff requested that you delay submitting any records until the U.S. District Court for the District of Columbia ruled on a motion from the Electronic Privacy Information Center that sought to prevent the Commission from receiving the records. On July 24, 2017, the court denied that motion. In light of that decision in the Commission's favor, I write to renew the June 28 request, as well as to answer questions some States raised about the request's scope and the Commission's intent regarding its use of the registration records. I appreciate the cooperation of chief election officials from more than 30 States who have already responded to the June 28 request and either agreed to provide these publicly available records, or are currently evaluating what specific records they may provide in accordance with their State laws.

Like you, I serve as the chief election official of my State. And like you, ensuring the privacy and security of any non-public voter information is a high priority. My June 28 letter only requested information that is already available to the public under the laws of your State, which is information that States regularly provide to political candidates, journalists, and other interested members of the public. As you know, federal law requires the States to maintain certain voter registration information and make it available to the public pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The Commission recognizes that State laws differ regarding what specific voter registration information is publicly available.

I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit. Individuals' voter registration records will be kept confidential and secure throughout the duration of the Commission's existence. Once the Commission's analysis is



complete, the Commission will dispose of the data as permitted by federal law. The only information that will be made public are statistical conclusions drawn from the data, other general observations that may be drawn from the data, and any correspondence that you may send to the Commission in response to the narrative questions enumerated in the June 28 letter. Let me be clear, the Commission will not release any personally identifiable information from voter registration records to the public.

In addition, to address issues raised in recent litigation regarding the data transfer portal, the Commission is offering a new tool for you to transmit data directly to the White House computer system. To securely submit your State's data, please have a member of your staff contact Ron Williams on the Commission's staff at [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) and provide his or her contact information. Commission staff will then reach out to your point of contact to provide detailed instructions for submitting the data securely.

The Commission will approach all of its work without preconceived conclusions or prejudgments. The Members of this bipartisan Commission are interested in gathering facts and going where those facts lead. We take seriously the Commissions' mission pursuant to Executive Order 13799 to identify those laws, rules, policies, activities, strategies, and practices that either enhance or undermine the integrity of elections processes. I look forward to working with you in the months ahead to advance those objectives.

Sincerely,



Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Friday, December 28, 2018 1:42 PM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** Federal judge permits trial to determine constitutionality citizenship question in the 2020 census; Florida environmental group flooded election offices with phony voter registration forms; more voter fraud reports

EMAIL RECEIVED FROM EXTERNAL SOURCE

**A federal judge has paved the way for a trial to determine the constitutionality of including [the citizenship question on the 2020 census form](#); in Florida an environmental group [flooded election offices with phony voter registration forms](#); additional fraud reports pour in from [Idaho](#), [New Hampshire](#), [North Carolina](#) and [Virginia](#); and California's [disgraced DMV chief finally resigns](#). Read all about it in [this week's EIB](#).**

**LEAD**

**Ken Blackwell: Voter Fraud Damages our Nation's Integrity**

As Christmas approaches in the Sunshine State, November voters have become December shoppers unlikely to be contemplating the integrity and importance of their voting system. Two years before the very public 2018 voting integrity disaster in Broward County at the hands of election supervisor Brenda Snipes, the American Civil Rights Union — a Washington, D.C.-based civil rights organization — filed suit against Snipes alleging she violated civil rights and election law by failing to ensure and maintain accurate voter registration rolls. ACRU vs. Snipes is scheduled for oral arguments before the U.S. Eleventh Circuit U.S. Court of Appeals in March. The high visibility of this case will again bring heated debate to concerns with Florida's voting system, its fairness to each vote cast, the honesty of those running the system and the state's critical role in national elections

**FEDERAL**

**The Hill: Federal Judge Orders Trial Over Census Citizenship Question**

A federal judge Wednesday rejected a request from the Trump administration to dismiss a lawsuit challenging its addition of a question regarding citizenship to the 2020 census. U.S. District Court Judge George J. Hazel's ruling paves the way for a trial in January to determine if the question is constitutional.

**STATES**

**Alabama: An Election Hacked - by Democrats**

Democratic tech experts organized a deceptive stealth campaign using social media and bots to discredit one candidate and even siphon votes from him to a randomly chosen third-party hopeful. As The New York Times reports, it was a secret project, carried out on Facebook and Twitter, by Democratic tech experts, with one purpose: to weaken the Republican candidate in the 2017 Alabama special election for a U.S. Senate seat. An internal report boasts that "we created an elaborate 'false flag' operation that planted the idea" that GOP candidate Roy Moore's campaign "was amplified on social media by a Russian botnet." It also created a social-media boost for obscure independent candidate Mac Watson, in hopes of drawing votes from Moore. And it worked, getting Watson an interview with The Washington Post.

**California: DMV Head to Be Replaced in New Year Amid Continued Problems with California's 'Motor Voter' Program**

California's troubled Department of Motor Vehicles will get a new leader Dec. 31. Gov. Jerry Brown has designated Bill Davidson as acting director. Davidson has served as the DMV's chief deputy director since 2016 and has worked at the agency for 16 years. He's also worked for the California State Transportation Agency. The Monday announcement comes after director Jean Shiimoto announced plans to retire at the end of the year. Shiimoto's departure follows a tumultuous year for the DMV that included hours-long lines at offices across the state and a series of errors related to the state's automatic voter registration program.

**California: 'Motor Voter' Was a Disaster Waiting to Happen—and It Did**

Secretary of State Alex Padilla's "motor voter" program is a disaster and ought to be shut until it is fixed. In September, the Department of Motor Vehicles admitted it made 23,000 erroneous registrations. Serious questions about the integrity of the program must be answered. Expanding access is worse than worthless without voting integrity. This is not a partisan issue. It's about protecting the righteousness of our election system, which is a sacred responsibility in a democracy and one that rests with the Secretary of State.

#### **Florida: Florida Environmental Group Tied to Voter Registration Forms That Had False Information**

Workers hired by a Florida environmental group submitted hundreds of voter registration forms with false and incomplete information, which led to voter confusion and a state recommendation to investigate some forms as possible election fraud. Sixteen employees of the Florida Conservation Voters Education Fund were fired in September after submitting more than 200 voter registration forms with false or incomplete information to the Volusia County elections office, records obtained from the environmental group show. "We were having an awful time," said Lisa Lewis, Volusia's elections supervisor. "I later found out that they were being paid to collect these forms and I think they were just filling them out to get paid."

#### **Florida: Florida Elections Chief Brenda Snipes Sues Rick Scott to Rescind Her Resignation**

Broward County elections chief Brenda Snipes is suing outgoing Florida governor Rick Scott to get her job back after flip-flopping on whether she still wanted it. Snipes filed a federal lawsuit against the Republican governor and Senate president Bill Galvano alleging that she had been denied due process and that it is unconstitutional to suspend elected officials such as herself. After coming under fire for mismanagement during the midterm elections and recounts for the Senate and governor's races, Snipes submitted her resignation to Scott, effective January 4. But she decided to take back her resignation and fight Scott after he suspended her in the interim for malfeasance, incompetence, and neglect of duty. The governor, however, declined to grant Snipes her job back.

#### **Idaho: County to Change Procedures After Discovering Uncounted Ballots**

The Bonner County Elections office is making some changes to the way they count and track ballots after discovering 396 uncounted absentee ballots in a drawer last week. "I have no idea why that last drawer wasn't opened," said County Clerk Michael Rosedale. The uncounted votes did not change the outcome of any races from the Nov. 6 election, Rosedale said, making the mishap a much smaller ordeal than it could have been. "While it represented 2% of the vote and had no effect on outcomes, it still was something that never should have happened," wrote Rosedale on the county's website below the new election results. "I and my staff are very sorry, not to mention terribly embarrassed and have adopted measures already that will preclude this type of error from ever happening again."

#### **Maine: LePage, Calling Ranked-Choice Voting 'Repugnant'**

Gov. Paul LePage declined to get involved in Rep. Bruce Poliquin's latest legal request, but not without getting in another dig at a ranked-choice voting process he views as "repugnant." Meanwhile, attorneys for Poliquin and Maine Secretary of State Matthew Dunlap sparred over whether Dunlap exceeded his authority by certifying Democrat Jared Golden as the winner of Maine's 2nd District race without LePage's signature. "Under the U.S. Constitution, it is now up to the United States House of Representatives to determine, when it convenes on January 3, 2019, whether to seat Jared Golden, who is the undisputed winner of the ranked-choice voting tabulation under the RCV Act and thus the Representative-elect for Maine's Second Congressional District," Assistant Attorney General Phyllis Gardiner wrote on Dunlap's behalf.

#### **New Hampshire: 78 Cases of Potential Voter Fraud Under Investigation**

The New Hampshire Attorney General's office says it is investigating or reviewing 78 cases of potential voter fraud that emerged after the November 2016 general election. WMUR-TV reports office spokesperson Kate Spiner said Tuesday 61 of the 78 cases are potential double-voting issues that appeared through the Interstate Voter Registration Crosscheck program. Spiner says they have received 38 complaints of wrongful voting in addition to the Crosscheck cases. She says 21 of those cases were closed as unfounded, and 17 remain under review or investigation. Four people have been indicted on criminal charges in connection to voter fraud since November 2016. The fourth indictment was issued last week to a Florida man who allegedly cast a ballot in Hooksett in 2016.

#### **New Hampshire: Florida Man Charged with Illegally Voting in New Hampshire in 2016**

FL-SOS-19-0410-A000146

A Florida man is facing charges that he voted illegally in Hooksett during the 2016 general election. The New Hampshire Attorney General's office announced the charges against 45-year-old Michael L. Lewis, of Miami, on Monday. But the Hooksett Police Department first referred Lewis to the state for investigation roughly two years ago. Officers initially arrested Lewis for operating without a valid driver's license but referred the case to the state for further investigation. Officials could not say why it took until now to bring any further charges. A Merrimack County grand jury indicted Lewis on charges that he voted in Hooksett despite not being qualified to do so. An arraignment hasn't been scheduled.

### **New Jersey: Candidate Wants Voter ID Added to Ballot Reforms**

State Senate Candidate Michael Testa on Thursday called for Gov. Phil Murphy to add a voter ID provision to a slew of voter-access reforms Murphy announced support for on Wednesday. "A statewide Voter ID law would require any potential voter to provide photo identification at the polls or accompanying their Vote-By-Mail ballot the same as they would when renting a car, buying a six pack, or getting on an airplane," Testa said. "This is a commonsense step that would give each and every citizen confidence that our voting system is free from fraud or manipulation. Moreover, I would be supportive of a companion bill that provided state funding to provide state or county-sanctioned photo ID's to any citizen that doesn't otherwise have one."

### **North Carolina: Voter ID Becomes Law in North Carolina as House Overrides Veto**

North Carolina voters will be asked to show photo identification when they go to the polls next year, barring intervention by a court. The Republican-led legislature took the final step to shrug off Democratic Gov. Roy Cooper's veto of its photo ID bill, with the House voting 72-40 Wednesday to override after a long debate that touched on the state's history of voter suppression. The Senate took its override vote Tuesday. Minutes after the House vote, the Southern Coalition for Social Justice announced a lawsuit challenging the voter ID law had been filed in Wake County Superior Court.

### **North Carolina: Yes, What Happened in North Carolina Is Voter Fraud**

More than a month after the November election, the details of an apparent voter fraud scandal orchestrated by a North Carolina Republican operative are still coming to light. A coordinated absentee ballot harvesting ring may have gathered, tampered with, or destroyed hundreds of ballots. The outcome of the House race in North Carolina's 9th Congressional District hangs in the balance, and the state elections board may order a new election.

### **Virginia: Election Watchdog Threatens to Sue Virginia for 'Inaccurate' Noncitizen Voting Records**

The Public Interest Legal Foundation (PILF), an election watchdog group, is threatening to sue the Virginia Board of Elections unless it corrects voter roll maintenance procedures involving the removal of noncitizens. PILF published a pair of reports using noncitizen data supplied by the Board of Election, which erroneously identified several eligible citizens as ineligible noncitizen voters. That sparked a defamation lawsuit from the League of United Latin American Citizens, alleging "reckless" behavior and "spurious allegations of voter fraud."

### **Wisconsin: Eric Holder, Liberal Groups Fight Wisconsin Early Voting Restrictions in Federal Court**

A coalition of liberal groups, with the support of former Democratic U.S. Attorney General Eric Holder, asked a federal judge to block implementation of early voting restrictions. Attorneys for the groups argued that Republicans called the lame-duck session "as part of a partisan attempt to retain and regain power" and the early voting limitation was "in direct violation" of the court's 2016 order. Holder, in a statement, said Walker and Republicans showed a "blatant disregard for a previous court ruling and refusal to listen to the will of the people."

## **REDISTRICTING**

### **Fox News: Obama to Fold Organizing for Action Group in Effort to Focus on Gerrymandering Reform**

Former President Barack Obama is going all-in on gerrymandering reform by consolidating his nonprofit political organization group with another to double down on efforts on what has become his major focus since leaving the White House. Obama announced the consolidation of his Organizing for Action group

FL-SOS-19-0410-A000147

into the National Democratic Redistricting Committee during a call with supporters this week.

### **Fairlines: The 2020 Re-apportionment Forecast**

The Upper Midwest and Northeast are expected to see continued migration of representation to the South and West. Texas looks to gain its 6th, 7th, and 8th new members this century as Florida picks up its 5th and 6th. Four western states (Arizona, Colorado, Montana, and Oregon) would expand their delegations while North Carolina may gain the 14th seat it just missed in 2010. California is projected to lose a Congressional seat for the first time since it joined the Union. Illinois, Michigan, New York, Ohio, and Pennsylvania all appear likely to lose another seat, bringing their collective loss for the century to 19. Rhode Island is poised to join the ranks of At-Large states. West Virginia would replace Rhode Island as one of five states with only two members, and Minnesota is on the verge of losing the 8th seat it managed to just barely hold on to in 2010.

#### **The American Civil Rights Union**

3213 Duke St., #625

Alexandria, VA 22314

<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

[Unsubscribe](#)

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**From:** Kennedy, Jennifer L.  
**Sent:** Tuesday, January 16, 2018 11:21 AM EST  
**To:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Subject:** FW: Invitation to Heritage Foundation Election Briefing for Secretaries of State - February 15

---

**From:** DeFonce, Daniel [mailto:Daniel.DeFonce@heritage.org]  
**Sent:** Tuesday, January 16, 2018 11:19 AM  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State - February 15  
**Importance:** High



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

**TO:** Ken Detzner  
**FROM:** Hans von Spakovsky, Senior Legal Fellow  
**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State  
**EVENT DATE:** February 15, 2018 at 1:00 p.m.– 5:00 p.m. *(followed by a private reception)*

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State, co-hosted by Hans von Spakovsky, Senior Legal Research Fellow in the Meese Legal Center at The Heritage Foundation and Don Palmer, Former Virginia Secretary, State Board of Elections. The briefing will take place on **Thursday, February 15th from 1:00 p.m.-5:00 p.m. at The Heritage Foundation located at 214 Massachusetts Avenue, NE**. Immediately following the meeting, Heritage will host a private reception for the Secretaries of State.

The roundtable discussion will include the following topics: (1) the ramifications of the DHS designation of elections as critical infrastructure on the administration and security of elections in 2018 and 2020; (2) update and discussion on federal legislation impacting the states; (3) an update on voting litigation and legislation; and (4) new technologies and options available to states in the maintenance and security of official voter lists. The purpose of the briefing is to have in-depth discussions of these issues and to share strategy and tactics on achieving long-term goals and objectives shared by the secretaries. We will be sending out a full briefing agenda in the coming weeks.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

---

**Daniel DeFonce**

Research and Administrative Assistant  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)



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**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State - February 15  
**Importance:** High



EDWIN MEESE III CENTER FOR  
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Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

---

**Daniel DeFonce**

Research and Administrative Assistant  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

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**From:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**Sent:** Thursday, January 10, 2019 4:10 PM EST  
**To:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Subject:** FW: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

**From:** DeFonce, Daniel [mailto:Daniel.DeFonce@heritage.org]  
**Sent:** Thursday, January 10, 2019 3:49 PM  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**Cc:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

EMAIL RECEIVED FROM EXTERNAL SOURCE



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

**TO:** Michael Ertel  
**FROM:** Hans von Spakovsky, Senior Legal Fellow  
**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State  
**EVENT DATE:** Friday, Feb. 1, 2019 at 12:00 p.m. – 5:00 p.m. (*buffet lunch provided*)  
**LOCATION:** The Heritage Foundation

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State that I will be hosting. The briefing will take place on **Friday, Feb. 1 from 12:00 p.m.-5:00 p.m. at The Heritage Foundation, 214 Massachusetts Avenue, NE, Washington, D.C. 20002**. At the outset of the meeting, we will have a lunch buffet for the Secretaries of State. We will have speakers that include congressional staffers from key Senate and House committees with jurisdiction over election issues.

The roundtable discussion will include proposed election reforms and election security issues, proposed legislation in the new Congress, and on-going and expected litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these election issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

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**From:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**Sent:** Wednesday, January 23, 2019 10:13 AM EST  
**To:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Subject:** FW: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

**From:** DeFonce, Daniel [mailto:Daniel.DeFonce@heritage.org]  
**Sent:** Wednesday, January 23, 2019 9:55 AM  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**Cc:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good morning,

I am following up on the below invitation to Secretary Ertel from Hans von Spakovsky regarding our Secretaries of State Election Briefing next Friday the 1<sup>st</sup>.

We are honored to have former Attorney General Ed Meese III join us for the briefing, and we hope that the Secretary can attend as well.

Sincerely,  
Daniel

**Daniel DeFonce**

*Research and Administrative Assistant*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

**From:** DeFonce, Daniel  
**Sent:** Thursday, January 10, 2019 3:49 PM  
**To:** 'secretaryofstate@dos.myflorida.com' <[secretaryofstate@dos.myflorida.com](mailto:secretaryofstate@dos.myflorida.com)>  
**Cc:** 'Jennifer.Kennedy@DOS.MyFlorida.com' <[Jennifer.Kennedy@DOS.MyFlorida.com](mailto:Jennifer.Kennedy@DOS.MyFlorida.com)>  
**Subject:** @@s @@f Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

**TO:** Michael Ertel  
**FROM:** Hans von Spakovsky, Senior Legal Fellow  
**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State  
**EVENT DATE:** Friday, Feb. 1, 2019 at 12:00 p.m. – 5:00 p.m. (*buffet lunch provided*)  
**LOCATION:** The Heritage Foundation

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The roundtable discussion will include proposed election reforms and election security issues, proposed legislation in the new Congress, and on-going and expected litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these election issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.



**From:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>

**Sent:** Thursday, May 31, 2018 11:37 AM EDT

**To:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>

**Subject:** FW: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. July 13 (Location: Loews Philadelphia Hotel)

---

**From:** DeFonce, Daniel [mailto:Daniel.DeFonce@heritage.org]

**Sent:** Thursday, May 31, 2018 10:15 AM

**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>

**Cc:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. July 13 (Location: Loews Philadelphia Hotel)



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

**TO:** Ken Detzner

**FROM:** Hans von Spakovsky, Senior Legal Fellow

**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State

**EVENT DATE:** July 13, 2018 at 12:00 p.m. – 5:00 p.m. *(buffet lunch provided)*

**LOCATION:** Loews Philadelphia Hotel

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State, co-hosted by Hans von Spakovsky, Senior Legal Research Fellow in the Meese Legal Center at The Heritage Foundation and Don Palmer, Former Virginia Secretary, State Board of Elections. The briefing will take place on **Friday, July 13th from 12:00 p.m.-5:00 p.m. at Loews Philadelphia Hotel located at 1200 Market St., Philadelphia, PA 19107**. At the outset of the meeting, we will have a lunch buffet for the Secretaries of State.

The roundtable discussion will likely include the following topics: election security, voter ID, redistricting, cyber security, list maintenance, election related legislation and litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries. We will be sending out a full briefing agenda in the coming weeks.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

---

**Daniel DeFonce**

*Research and Administrative Assistant*

The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181

[heritage.org](http://heritage.org)

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**From:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Sent:** Thursday, July 06, 2017 4:10 PM EDT  
**To:** Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>  
**Subject:** FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
**Attachment(s):** "PEIC Letter to Florida.pdf"

-----Original Message-----

From: Secretary of State  
Sent: Wednesday, June 28, 2017 4:42 PM  
To: Bishop, Shelby L.  
Subject: FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]  
Sent: Wednesday, June 28, 2017 4:41 PM  
To: Secretary of State  
Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from the Vice Chair of the Presidential Advisory Commission on Election Integrity, Kansas Secretary of State Kris Kobach.

Thank you.

Commission Staff

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Please take our Customer Satisfaction Survey<<http://survey.dos.state.fl.us/index.aspx?email=SecretaryofState@DOS.MyFlorida.com>>.





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## Presidential Advisory Commission on Election Integrity

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June 28, 2017

The Honorable Ken Detzner  
Secretary of State  
R.A. Gray Bldg., 500 S. Bronough, Ste. 100  
Tallahassee, FL 32399

Dear Secretary Detzner,

I serve as the Vice Chair for the Presidential Advisory Commission on Election Integrity (“Commission”), which was formed pursuant to Executive Order 13799 of May 11, 2017. The Commission is charged with studying the registration and voting processes used in federal elections and submitting a report to the President of the United States that identifies laws, rules, policies, activities, strategies, and practices that enhance or undermine the American people’s confidence in the integrity of federal elections processes.

As the Commission begins its work, I invite you to contribute your views and recommendations throughout this process. In particular:

1. What changes, if any, to federal election laws would you recommend to enhance the integrity of federal elections?
2. How can the Commission support state and local election administrators with regard to information technology security and vulnerabilities?
3. What laws, policies, or other issues hinder your ability to ensure the integrity of elections you administer?
4. What evidence or information do you have regarding instances of voter fraud or registration fraud in your state?
5. What convictions for election-related crimes have occurred in your state since the November 2000 federal election?
6. What recommendations do you have for preventing voter intimidation or disenfranchisement?
7. What other issues do you believe the Commission should consider?

In addition, in order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting, I am requesting that you provide to the Commission the publicly-available voter roll data for Florida, including, if publicly available under the laws of your state, the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number

if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

You may submit your responses electronically to [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) or by utilizing the Safe Access File Exchange (“SAFE”), which is a secure FTP site the federal government uses for transferring large data files. You can access the SAFE site at <https://safe.amrdec.army.mil/safe/Welcome.aspx>. We would appreciate a response by July 14, 2017. Please be aware that any documents that are submitted to the full Commission will also be made available to the public. If you have any questions, please contact Commission staff at the same email address.

On behalf of my fellow commissioners, I also want to acknowledge your important leadership role in administering the elections within your state and the importance of state-level authority in our federalist system. It is crucial for the Commission to consider your input as it collects data and identifies areas of opportunity to increase the integrity of our election systems.

I look forward to hearing from you and working with you in the months ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Kobach". The signature is fluid and cursive, with the first name "Kris" and last name "Kobach" clearly distinguishable.

Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Sent:** Thursday, July 27, 2017 9:37 AM EDT

**To:** Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Underwood, Wes H.

<Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Fugett, David A.

<David.Fugett@dos.myflorida.com>; Revell, Sarah W. <Sarah.Revell@dos.myflorida.com>; Bonds, Angela

<Angela.Bonds@dos.myflorida.com>

**Subject:** FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

**Attachment(s):** "July 26, 2017 Letter from Vice Chair Kris Kobach to Florida.pdf"

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]

Sent: Wednesday, July 26, 2017 5:49 PM

To: Secretary of State

Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from Vice Chair Kris Kobach of the Presidential Advisory Commission on Election Integrity.

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## Presidential Advisory Commission on Election Integrity

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July 26, 2017

Office of the Secretary of State of Florida  
The Honorable Ken Detzner, Secretary of State  
R.A. Gray Bldg., 500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Detzner,

In my capacity as Vice Chair of the Presidential Advisory Commission on Election Integrity, I wrote to you on June 28, 2017, to request publicly available voter registration records. On July 10, 2017, the Commission staff requested that you delay submitting any records until the U.S. District Court for the District of Columbia ruled on a motion from the Electronic Privacy Information Center that sought to prevent the Commission from receiving the records. On July 24, 2017, the court denied that motion. In light of that decision in the Commission's favor, I write to renew the June 28 request, as well as to answer questions some States raised about the request's scope and the Commission's intent regarding its use of the registration records. I appreciate the cooperation of chief election officials from more than 30 States who have already responded to the June 28 request and either agreed to provide these publicly available records, or are currently evaluating what specific records they may provide in accordance with their State laws.

Like you, I serve as the chief election official of my State. And like you, ensuring the privacy and security of any non-public voter information is a high priority. My June 28 letter only requested information that is already available to the public under the laws of your State, which is information that States regularly provide to political candidates, journalists, and other interested members of the public. As you know, federal law requires the States to maintain certain voter registration information and make it available to the public pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The Commission recognizes that State laws differ regarding what specific voter registration information is publicly available.

I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit. Individuals' voter registration records will be kept confidential and secure throughout the duration of the Commission's existence. Once the Commission's analysis is

complete, the Commission will dispose of the data as permitted by federal law. The only information that will be made public are statistical conclusions drawn from the data, other general observations that may be drawn from the data, and any correspondence that you may send to the Commission in response to the narrative questions enumerated in the June 28 letter. Let me be clear, the Commission will not release any personally identifiable information from voter registration records to the public.

In addition, to address issues raised in recent litigation regarding the data transfer portal, the Commission is offering a new tool for you to transmit data directly to the White House computer system. To securely submit your State's data, please have a member of your staff contact Ron Williams on the Commission's staff at [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) and provide his or her contact information. Commission staff will then reach out to your point of contact to provide detailed instructions for submitting the data securely.

The Commission will approach all of its work without preconceived conclusions or prejudgments. The Members of this bipartisan Commission are interested in gathering facts and going where those facts lead. We take seriously the Commission's mission pursuant to Executive Order 13799 to identify those laws, rules, policies, activities, strategies, and practices that either enhance or undermine the integrity of elections processes. I look forward to working with you in the months ahead to advance those objectives.

Sincerely,



Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Sent:** Thursday, July 27, 2017 9:35 AM EDT  
**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
**Attachment(s):** "July 26, 2017 Letter from Vice Chair Kris Kobach to Florida.pdf"

Have you seen this

-----Original Message-----

From: Secretary of State  
Sent: Thursday, July 27, 2017 8:07 AM  
To: Bishop, Shelby L.  
Subject: FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]  
Sent: Wednesday, July 26, 2017 5:49 PM  
To: Secretary of State  
Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from Vice Chair Kris Kobach of the Presidential Advisory Commission on Election Integrity.

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## Presidential Advisory Commission on Election Integrity

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July 26, 2017

Office of the Secretary of State of Florida  
The Honorable Ken Detzner, Secretary of State  
R.A. Gray Bldg., 500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Detzner,

In my capacity as Vice Chair of the Presidential Advisory Commission on Election Integrity, I wrote to you on June 28, 2017, to request publicly available voter registration records. On July 10, 2017, the Commission staff requested that you delay submitting any records until the U.S. District Court for the District of Columbia ruled on a motion from the Electronic Privacy Information Center that sought to prevent the Commission from receiving the records. On July 24, 2017, the court denied that motion. In light of that decision in the Commission's favor, I write to renew the June 28 request, as well as to answer questions some States raised about the request's scope and the Commission's intent regarding its use of the registration records. I appreciate the cooperation of chief election officials from more than 30 States who have already responded to the June 28 request and either agreed to provide these publicly available records, or are currently evaluating what specific records they may provide in accordance with their State laws.

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I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit. Individuals' voter registration records will be kept confidential and secure throughout the duration of the Commission's existence. Once the Commission's analysis is

complete, the Commission will dispose of the data as permitted by federal law. The only information that will be made public are statistical conclusions drawn from the data, other general observations that may be drawn from the data, and any correspondence that you may send to the Commission in response to the narrative questions enumerated in the June 28 letter. Let me be clear, the Commission will not release any personally identifiable information from voter registration records to the public.

In addition, to address issues raised in recent litigation regarding the data transfer portal, the Commission is offering a new tool for you to transmit data directly to the White House computer system. To securely submit your State's data, please have a member of your staff contact Ron Williams on the Commission's staff at [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) and provide his or her contact information. Commission staff will then reach out to your point of contact to provide detailed instructions for submitting the data securely.

The Commission will approach all of its work without preconceived conclusions or prejudgments. The Members of this bipartisan Commission are interested in gathering facts and going where those facts lead. We take seriously the Commissions' mission pursuant to Executive Order 13799 to identify those laws, rules, policies, activities, strategies, and practices that either enhance or undermine the integrity of elections processes. I look forward to working with you in the months ahead to advance those objectives.

Sincerely,



Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Sent:** Thursday, July 06, 2017 4:16 PM EDT  
**To:** Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>  
**Subject:** FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
**Attachment(s):** "DOS Letter to Presidential Advisory Commission on Election Integrity.pdf"

-----Original Message-----

From: Secretary of State  
Sent: Thursday, July 06, 2017 4:10 PM  
To: 'ElectionIntegrityStaff@ovp.eop.gov'  
Subject: RE: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
Importance: High

Please see attached letter for the Secretary of State Ken Detzner...

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]  
Sent: Wednesday, June 28, 2017 4:41 PM  
To: Secretary of State  
Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from the Vice Chair of the Presidential Advisory Commission on Election Integrity, Kansas Secretary of State Kris Kobach.

Thank you.

Commission Staff

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 6, 2017

The Honorable Kris W. Kobach  
Secretary of State  
Memorial Hall, 1<sup>st</sup> Floor  
120 SW 10<sup>th</sup> Avenue  
Topeka, KS 66612-1594

Dear Secretary Kobach,

The right to vote is one of the most sacred rights available in the democratic process. Any efforts to dilute its importance cannot be taken lightly. As you know, people have died for the right to vote and we must ensure we preserve it. Of course, the responsibility for the accuracy and fairness of our election process in Florida lies on us, not with the federal government in Washington.

As Governor Scott often says, in Florida, our goal for each election is to have 100 percent participation of eligible voters with zero fraud. We take this mission extremely seriously and work each day to ensure that Floridians can participate in fair, honest elections. In fact, in 2016, we are proud that Florida had record turnout and a smooth, secure election which reflected the will of the people of Florida.

The Department of State constantly works with Florida's 67 independent Supervisors of Elections to increase access to voting for Floridians. This includes legislation in 2013 that gave Supervisors of Elections more flexibility in setting early voting hours and locations to fit their communities' needs and limiting the length of ballots in Florida to help prevent long lines at the polls.

On June 28, 2017, you requested certain voter roll information, much of which is publicly available to you under the Florida Public Records Law, Chapter 119 of Florida Statute. In fact, each year, our office already fulfills hundreds of public records requests for some of the same information that you have requested. We are glad to continue following Florida's Public Records Law by providing the requested information to you that is publicly available.

Page 2  
Secretary Kobach

Although most of the information you've requested is available to the public in Florida, we cannot fully comply with your entire request. Driver's license information and social security numbers are not, and cannot be provided under section 97.0585, Florida Statutes. We will also not release any information that is exempt or confidential under Florida law, including certain information regarding law enforcement officers, judges, prosecutors, and victims of stalking and domestic violence. Additionally, Florida's public record voter database does not capture information on felonies.

We are hopeful that the public information provided, in accordance with Florida law, will be useful to your efforts.

Sincerely,



Ken Detzner  
Florida Secretary of State

**From:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**Sent:** Thursday, July 27, 2017 8:07 AM EDT  
**To:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Subject:** FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
**Attachment(s):** "July 26, 2017 Letter from Vice Chair Kris Kobach to Florida.pdf"

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]  
Sent: Wednesday, July 26, 2017 5:49 PM  
To: Secretary of State  
Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from Vice Chair Kris Kobach of the Presidential Advisory Commission on Election Integrity.

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## Presidential Advisory Commission on Election Integrity

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July 26, 2017

Office of the Secretary of State of Florida  
The Honorable Ken Detzner, Secretary of State  
R.A. Gray Bldg., 500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Detzner,

In my capacity as Vice Chair of the Presidential Advisory Commission on Election Integrity, I wrote to you on June 28, 2017, to request publicly available voter registration records. On July 10, 2017, the Commission staff requested that you delay submitting any records until the U.S. District Court for the District of Columbia ruled on a motion from the Electronic Privacy Information Center that sought to prevent the Commission from receiving the records. On July 24, 2017, the court denied that motion. In light of that decision in the Commission's favor, I write to renew the June 28 request, as well as to answer questions some States raised about the request's scope and the Commission's intent regarding its use of the registration records. I appreciate the cooperation of chief election officials from more than 30 States who have already responded to the June 28 request and either agreed to provide these publicly available records, or are currently evaluating what specific records they may provide in accordance with their State laws.

Like you, I serve as the chief election official of my State. And like you, ensuring the privacy and security of any non-public voter information is a high priority. My June 28 letter only requested information that is already available to the public under the laws of your State, which is information that States regularly provide to political candidates, journalists, and other interested members of the public. As you know, federal law requires the States to maintain certain voter registration information and make it available to the public pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The Commission recognizes that State laws differ regarding what specific voter registration information is publicly available.

I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit. Individuals' voter registration records will be kept confidential and secure throughout the duration of the Commission's existence. Once the Commission's analysis is

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In addition, to address issues raised in recent litigation regarding the data transfer portal, the Commission is offering a new tool for you to transmit data directly to the White House computer system. To securely submit your State's data, please have a member of your staff contact Ron Williams on the Commission's staff at [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) and provide his or her contact information. Commission staff will then reach out to your point of contact to provide detailed instructions for submitting the data securely.

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Sincerely,



Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** Matthews, Maria I.  
**Sent:** Thursday, July 27, 2017 11:00 AM EDT  
**To:** Brown, Toshia <Toshia.Brown@DOS.MyFlorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>  
**CC:** Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>  
**Subject:** FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
**Attachment(s):** "July 26, 2017 Letter from Vice Chair Kris Kobach to Florida.pdf"

The follow-up letter from PACEI has arrived. Please process public records exemption requests ASAP and if they are limited to a couple of counties, send emails to them telling them that public records exemption requests are ready for processing.

-----Original Message-----

From: Kennedy, Jennifer L.  
Sent: Thursday, July 27, 2017 9:37 AM  
To: Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Fugett, David A. <David.Fugett@dos.myflorida.com>; Revell, Sarah W. <Sarah.Revell@dos.myflorida.com>; Bonds, Angela <Angela.Bonds@dos.myflorida.com>  
Subject: FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]  
Sent: Wednesday, July 26, 2017 5:49 PM  
To: Secretary of State  
Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from Vice Chair Kris Kobach of the Presidential Advisory Commission on Election Integrity.

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## Presidential Advisory Commission on Election Integrity

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July 26, 2017

Office of the Secretary of State of Florida  
The Honorable Ken Detzner, Secretary of State  
R.A. Gray Bldg., 500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Detzner,

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Sincerely,



Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**Sent:** Wednesday, June 28, 2017 3:50 PM EDT  
**To:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Subject:** FW: National Voter Registration Act Section 8 Violation Letter  
**Attachment(s):** "Florida NVRA Section 8 Violation Letter - 6 28 2017.pdf"

**From:** Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]  
**Sent:** Wednesday, June 28, 2017 3:46 PM  
**To:** Secretary of State; Fugett, David A.  
**Cc:** DivElections; Chambless, Chris H.; Lenhart, Kaiti; McGirr, Louise; soe@voteosceola.com; Villane, Tappie Ann; soe2@votesjc.com; Eric Lee  
**Subject:** RE: National Voter Registration Act Section 8 Violation Letter

Secretary Detzner:

Attached is a letter that is similar to the one you received on April 11, 2017, but which is being sent on behalf of particular, named residents and registered voters in Florida. At a May 4, 2017 phone conference with your office, we mentioned the fact that we would be sending this letter. As we also discussed during that call, there is no need to respond to the document demands in this letter if you already have responded to the same requests in our previous letter. Please contact me if you have any questions or would like to discuss this further.

Robert Popper  
Judicial Watch, Inc.  
425 Third Street, SW  
Suite 800  
Washington, D.C. 20024  
(202) 646-5172

---

**From:** Eric Lee  
**Sent:** Tuesday, April 11, 2017 3:28 PM  
**To:** [SecretaryofState@DOS.MyFlorida.com](mailto:SecretaryofState@DOS.MyFlorida.com)  
**Cc:** Robert Popper; [DivElections@dos.myflorida.com](mailto:DivElections@dos.myflorida.com); [CChambless@ClayElections.com](mailto:CChambless@ClayElections.com); [klenhart@flaglerelections.com](mailto:klenhart@flaglerelections.com); [lmcgirr@co.okaloosa.fl.us](mailto:lmcgirr@co.okaloosa.fl.us); [soe@voteosceola.com](mailto:soe@voteosceola.com); [villane@santarosa.fl.gov](mailto:villane@santarosa.fl.gov); [soe2@votesjc.com](mailto:soe2@votesjc.com)  
**Subject:** National Voter Registration Act Section 8 Violation Letter  
**Importance:** High

Dear Secretary Detzner:

Attached please find a letter concerning violations of the National Voter Registration Act.

Thank you,

Eric

Eric Lee | Attorney  
**Judicial Watch, Inc.**  
425 Third Street, SW | Suite 800  
Washington, DC 20024  
Tel: (202) 646-5172 | E: [elee@judicialwatch.org](mailto:elee@judicialwatch.org)  
Website: [www.judicialwatch.org](http://www.judicialwatch.org)

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**Judicial  
Watch®**  
*Because no one  
is above the law!*

June 28, 2017

*VIA USPS CERTIFIED MAIL AND EMAIL*

The Honorable Ken Detzner  
Office of the Florida Secretary of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

**Re: Violations of Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507**

Dear Secretary Detzner:

I write as legal counsel for Tim Berry, Gerard Casale, James Grembi, and Richard L. Mook, in their individual capacity as registered Florida voters, to bring your attention to possible violations of Section 8 of the National Voter Registration Act (“NVRA”) in Florida. From public records obtained, six counties in Florida have more total registered voters than adult citizens over the age of 18 as calculated by the U.S. Census Bureau’s 2011-2015 American Community Survey. This is strong circumstantial evidence that these counties are not conducting reasonable voter registration record maintenance as mandated under the NVRA.

NVRA Section 8 requires states to do reasonable list maintenance so as to maintain accurate lists of eligible voters for use in conducting federal elections.<sup>1</sup> As you may know, Congress enacted Section 8 of the NVRA to protect the integrity of the electoral process. Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the legitimacy of elections. As the U.S. Supreme Court has stated, “[P]ublic confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process.”<sup>2</sup>

This letter serves as statutory notice that Tim Berry, Gerard Casale, James Grembi, and Richard L. Mook, in their individual capacity as registered Florida voters, will bring a lawsuit against you and, if appropriate, against the counties named in this letter, if you do not take specific actions to correct these violations of Section 8 within 90 days.<sup>3</sup> In addition, by this letter

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<sup>1</sup> In Florida, responsibility to coordinate statewide NVRA Section 8 compliance lies with the Secretary of State’s Office. *See* Fla. Stat. § 97.012; 52 U.S.C. § 20509.

<sup>2</sup> *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008).

<sup>3</sup> Judicial Watch, Inc. gave its statutory notice on April 11, 2017. Nothing in this current letter is intended to withdraw that notice, and Judicial Watch, Inc. reserves the right to sue as the named plaintiff in any future lawsuit.

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425 Third St. SW, Suite 800, Washington, DC 20024 • Tel: (202) 646-5172 or 1-888-593-8442

FAX: (202) 646-5199 • Email: [info@JudicialWatch.org](mailto:info@JudicialWatch.org) • [www.JudicialWatch.org](http://www.JudicialWatch.org)

we are asking you and, to the extent that they keep records separately, the counties named in this letter, to produce certain records to us which you are required to make available under Section 8(i) of the NVRA.<sup>4</sup> We hope that litigation will not be necessary to enforce either of these claims.

As the top election official in Florida, it is your responsibility under federal law to coordinate Florida's statewide effort to conduct a program that reasonably ensures the lists of eligible voters are accurate. The following information explains how we determined that your state and the named counties are in violation of NVRA Section 8 and the remedial steps that must be taken to comply with the law.

## **1. Six Counties Have More Total Registered Voters Than Citizen Voting Age Population.**

Based on our review of 2014 Election Assistance Commission (EAC) data, the 2011-2015 U.S. Census Bureau's American Community Survey, and the November 2014 and 2016 active and inactive voter registration records, Florida is failing to comply with the voter registration list maintenance requirements of Section 8 of the NVRA. For example, a comparison of the five-year American Community Survey conducted by the U.S. Census Bureau and 2014 EAC data shows there were more total registered voters than there were adult citizens over the age of 18 living in each of the following six counties: Clay (registration rate 101%), Flagler (106%), Okaloosa (100%), Osceola (106%), Santa Rosa (108%), and St. Johns (114%).

This situation in Florida has, if anything, gotten worse since the publication of that report. A comparison of the November 2016 total voter registration records of these six counties obtained from your website with the 2011-2015 U.S. Census Bureau's American Community Survey data shows that this trend has either stayed constant or has increased. The data shows that five of the six counties have more total voter registrants than citizens eligible to vote, even accounting for the U.S. Census Bureau's margin of error.

This failure to maintain accurate, up-to-date voter registration lists has created the risk that the 2018 federal elections will lack the integrity required by federal law and by the expectations of Florida citizens, and will therefore undermine public confidence in the electoral process.

## **2. The NVRA Requires You to Undertake Reasonable Efforts to Maintain Accurate Lists of Eligible Registered Voters**

Under Section 8 of the NVRA, Florida, and each county identified in this letter, is required to undertake a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act of 1965.<sup>5</sup> Specifically, Section 8 requires states to

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<sup>4</sup> 52 U.S.C. § 20507(i).

<sup>5</sup> 52 U.S.C. § 20507(b)(1).

make a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to (A) “the death of the registrant” or (B) “a change in the residence of the registrant” to a place outside the jurisdiction in which he or she is registered.<sup>6</sup> Section 8 also requires states to ensure noncitizens are not registered to vote.<sup>7</sup>

The list maintenance obligations of Section 8 of the NVRA were elaborated upon by the Help America Vote Act (“HAVA”), which requires states to “ensure that voter registration records in the State are accurate and updated regularly” and undertake a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.”<sup>8</sup> HAVA also requires each state to coordinate its computerized statewide voter registration list with state agency death records.<sup>9</sup> Finally, HAVA requires all states to remove convicted felons from the voter rolls if felons cannot vote under state law.<sup>10</sup>

As the chief state election official for Florida, you are required to lead and direct voter list maintenance efforts in your state, and you must conduct an active oversight program to monitor local county election officials’ list maintenance activities.<sup>11</sup> If your oversight reveals that counties have failed to adequately execute list maintenance tasks, you must either change the state’s program to ensure county compliance, or assume direct responsibility over the failing counties’ list maintenance tasks.<sup>12</sup>

### **3. Failure to Comply with NVRA Subjects You to Lawsuits and Financial Costs**

In passing the NVRA, Congress authorized a private right of action to enforce the provisions of the NVRA, including Section 8. Accordingly, private persons may bring a lawsuit under the NVRA if the violations identified herein are not corrected within 90 days of receipt of this letter.<sup>13</sup> You are receiving this letter because you are the designated chief state election official under the NVRA.

Congress also authorized awards of attorney’s fees, including litigation expenses and costs, to the prevailing party.<sup>14</sup> Consequently, if a lawsuit is initiated under the NVRA and the

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<sup>6</sup> 52 U.S.C. § 20507(a)(4).

<sup>7</sup> *U.S. v. Florida*, 870 F. Supp. 2d 1346, 1351 (N.D. Fla. 2012) (“For noncitizens, the state’s duty is to maintain an accurate voting list . . . A state can and should . . . block[] a noncitizen from registering in the first place”).

<sup>8</sup> 52 U.S.C. §§ 21083(a)(4) and 21083(a)(4)(A).

<sup>9</sup> 52 U.S.C. § 21083(a)(2)(A)(ii)(II).

<sup>10</sup> 52 U.S.C. § 21083(a)(2)(A)(ii) and (ii)(I).

<sup>11</sup> *U.S. v. Missouri*, 535 F.3d 844, 850-851 (8th Cir. 2008).

<sup>12</sup> *U.S. v. Missouri*, 535 F.3d 844, 851 (8th Cir. 2008).

<sup>13</sup> 52 U.S.C. § 20510(b)(2).

<sup>14</sup> 52 U.S.C. § 20510(c).

court finds you in violation, you will be responsible for paying our attorneys' fees, costs, and litigation expenses.

#### **4. Avoiding Litigation**

We hope you will promptly initiate efforts to comply with Section 8 so that no lawsuit will be necessary. We ask you, and each county identified in this letter, to please respond to this letter in writing no later than 45 days from today informing us of the compliance steps you are taking. Specifically, we ask you to: (1) conduct or implement a systematic, uniform, nondiscriminatory program to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of a change in residence; and (2) conduct or implement additional routine measures to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of death, change in residence, or a disqualifying criminal conviction, and to remove noncitizens who have registered to vote unlawfully.

When you respond to this letter, please identify all the steps you are taking or plan to take in detail, and advise us of the results of those efforts or the target implementation date for each activity or program you will be undertaking. If you plan to begin taking new steps in 2017 to comply with your obligations, please outline them to us in your response, providing specific dates for completion of each activity. In order to avoid litigation, we may seek certain reasonable assurances that Florida will affirmatively undertake the steps outlined, up to and including the execution of a settlement agreement. You may wish to consult Judicial Watch's recent settlement agreement with the State of Ohio for examples of certain activities which tend to show compliance with NVRA Section 8.<sup>15</sup> You should also evaluate whether your office is communicating and coordinating effectively for list maintenance purposes with the various federal, state, and local entities listed immediately below in Section 5 of this letter.

#### **5. Production of Records**

Finally, pursuant to your obligations under the NVRA,<sup>16</sup> your office, and, to the extent that they keep records separately from your office, each county named in this letter, should make available to us all pertinent records concerning "the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Florida's official eligible voter lists during the past 2 years. Please include these records with your response to this letter. These records should include, but are not limited to:

1. Copies of the most recent voter registration database from each Florida county and city mentioned in this letter, including fields indicating name, date of birth, home address, most recent voter activity, and active or inactive status.

---

<sup>15</sup> A copy of the Settlement Agreement between Judicial Watch and Ohio is available at <http://www.judicialwatch.org/wp-content/uploads/2014/01/01-14-Ohio-Voter-Rolls-Settlement.pdf>.

<sup>16</sup> 52 U.S.C. § 20507(i).

2. Copies of all email or other communications internal to the office of the Florida Secretary of State, including any of its divisions, bureaus, offices, third party agents, or contractors, (hereinafter, collectively “Secretary’s Office”) relating to the maintenance of accurate and current voter rolls.
3. Copies of all email or other communications between the Secretary’s Office and all Florida County Voter Registration Officials concerning:
  - a. Instructions to the counties concerning their general list maintenance practices and obligations;
  - b. Instructions to the counties for the removal of specific noncitizens and deceased, relocated, or convicted persons identified by the Secretary’s Office; and
  - c. Notices to the counties concerning any failure to comply with their voter list maintenance obligations under Florida’s program.
4. Copies of all email or other communications between the Secretary’s Office and the Florida State Department of Health, the Florida State Department of Corrections, the Florida Department of Motor Vehicles, and the Florida State Judiciary concerning obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida’s voter registration lists.
5. Copies of all email or other communications between the Secretary’s Office and the U.S. Attorney(s) for Florida, the U.S. District Court for Florida, the U.S. Social Security Administration, the U.S. Postal Service, the U.S. Citizenship and Immigration Services, and the U.S. Department of Homeland Security concerning the National Change of Address database, the Systematic Alien Verification for Entitlements database, or any other means of obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida’s voter registration lists.
6. Copies of all email or other communications between the Secretary’s Office and the Interstate Voter Registration Cross-Check Program, the Electronic Registration Information Center, the National Association for Public Health Statistics and Information Systems, and any other U.S. State concerning information about deceased or relocated registered voters for the purpose of updating Florida’s voter registration lists.

If these records are not produced within 45 days, or if you fail to otherwise advise us that you are making them available to us at specified times and locations, you will be deemed to be in violation of the NVRA and subject to litigation.

\* \* \* \* \*

Hon. Ken Detzner

June 28, 2017

Page | 6

I hope that the concerns identified in this letter can be resolved amicably. However, if we believe you do not intend to correct the above-identified problems, a federal lawsuit seeking declaratory and injunctive relief against you may be necessary. We look forward to receiving your prompt response.

Sincerely,

**JUDICIAL WATCH, INC.**

*s/ Robert D. Popper*

Robert D. Popper  
Attorney, Judicial Watch, Inc.

By: U.S. Postal Service Certified Mail and Email

cc: Robert D. Popper, Esq., Judicial Watch; Chris H. Chambless, Clay County Supervisor of Elections; Kaiti Lenhart, Flagler County Supervisor of Elections; Louise McGirr, Okaloosa County Voter Registration Manager; Rosa Cruz, Osceola County Voter Registration Manager; Tappie A. Villane, Santa Rosa County Supervisor of Elections; Vicky Oakes, St. Johns County Supervisor of Elections



**From:** Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>  
**Sent:** Tuesday, April 11, 2017 5:52 PM EDT  
**To:** Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>  
**Subject:** FW: National Voter Registration Act Section 8 Violation Letter  
**Attachment(s):** "Florida NVRA Section 8 Violation Letter.pdf"

**Wes Underwood**, M.P.A., PMP®, FCCM  
Deputy Secretary of State  
Administrative Services, Corporations & Elections  
Florida Department of State  
R. A. Gray Building  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6599  
E-mail: [Wes.Underwood@dos.myflorida.com](mailto:Wes.Underwood@dos.myflorida.com)

**From:** Secretary of State  
**Sent:** Tuesday, April 11, 2017 4:08 PM  
**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Fugett, David A. <David.Fugett@dos.myflorida.com>  
**Cc:** Martin, Cara C. <Cara.Martin@dos.myflorida.com>; Black, Ashley M. <Ashley.Black@dos.myflorida.com>  
**Subject:** FW: National Voter Registration Act Section 8 Violation Letter  
**Importance:** High

**From:** Eric Lee [<mailto:elee@JUDICIALWATCH.ORG>]  
**Sent:** Tuesday, April 11, 2017 3:28 PM  
**To:** Secretary of State  
**Cc:** Robert Popper; DivElections; Chambless, Chris H.; Lenhart, Kaiti; McGirr, Louise; [soe@voteosceola.com](mailto:soe@voteosceola.com); Villane, Tappie Ann; [soe2@votesjc.com](mailto:soe2@votesjc.com)  
**Subject:** National Voter Registration Act Section 8 Violation Letter  
**Importance:** High

Dear Secretary Detzner:

Attached please find a letter concerning violations of the National Voter Registration Act.

Thank you,

Eric

Eric Lee | Attorney  
**Judicial Watch, Inc.**  
425 Third Street, SW | Suite 800  
Washington, DC 20024  
Tel: (202) 646-5172 | E: [elee@judicialwatch.org](mailto:elee@judicialwatch.org)  
Website: [www.judicialwatch.org](http://www.judicialwatch.org)

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is above the law!*

April 11, 2017

*VIA USPS CERTIFIED MAIL AND EMAIL*

The Honorable Ken Detzner  
Office of the Florida Secretary of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

**Re: Violations of Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507**

Dear Secretary Detzner:

We write to bring your attention to possible violations of Section 8 of the National Voter Registration Act (“NVRA”) in Florida. From public records obtained, six counties in Florida have more total registered voters than adult citizens over the age of 18 as calculated by the U.S. Census Bureau’s 2011-2015 American Community Survey. This is strong circumstantial evidence that these counties are not conducting reasonable voter registration record maintenance as mandated under the NVRA.

NVRA Section 8 requires states to do reasonable list maintenance so as to maintain accurate lists of eligible voters for use in conducting federal elections.<sup>1</sup> As you may know, Congress enacted Section 8 of the NVRA to protect the integrity of the electoral process. Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the legitimacy of elections. As the U.S. Supreme Court has stated, “[P]ublic confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process.”<sup>2</sup>

This letter serves as statutory notice that Judicial Watch will bring a lawsuit against your office if you do not take specific actions to correct these violations of Section 8 within 90 days. In addition, by this letter we are asking you to produce certain records to us which you are required to make available under Section 8(i) of the NVRA.<sup>3</sup> We hope that litigation will not be necessary to enforce either of these claims.

---

<sup>1</sup> In Florida, responsibility to coordinate statewide NVRA Section 8 compliance lies with the Secretary of State’s Office. See Fla. Stat. § 97.012; 52 U.S.C. § 20509.

<sup>2</sup> *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008).

<sup>3</sup> 52 U.S.C. § 20507(i).

Judicial Watch is a non-profit organization that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. As part of its mission, Judicial Watch is committed to the private enforcement of the NVRA, and we regularly commence and litigate NVRA lawsuits. See *Judicial Watch and True the Vote v. Husted*, Civil Action No. 2:12-cv-00792 (S.D. Oh.); *Judicial Watch, et. al v. King*, Case No. 1:12-cv-00800 (S.D. Ind.).

As the top election official in Florida, it is your responsibility under federal law to coordinate Florida's statewide effort to conduct a program that reasonably ensures the lists of eligible voters are accurate. The following information explains how we determined that your state is in violation of NVRA Section 8 and the remedial steps you now must take to comply with the law.

**1. Six Counties Have More Total Registered Voters Than Citizen Voting Age Population.**

Based on our review of 2014 Election Assistance Commission (EAC) data, the 2011-2015 U.S. Census Bureau's American Community Survey, and the November 2014 and 2016 active and inactive voter registration records, Florida is failing to comply with the voter registration list maintenance requirements of Section 8 of the NVRA. For example, a comparison of the five-year American Community Survey conducted by the U.S. Census Bureau and 2014 EAC data shows there were more total registered voters than there were adult citizens over the age of 18 living in each of the following six counties: Clay (registration rate 101%), Flagler (106%), Okaloosa (100%), Osceola (106%), Santa Rosa (108%), and St. Johns (114%).

This situation in Florida has, if anything, gotten worse since the publication of that report. A comparison of the November 2016 total voter registration records of these six counties obtained from your website with the 2011-2015 U.S. Census Bureau's American Community Survey data shows that this trend has either stayed constant or has increased. The data shows that five of the six counties have more total voter registrants than citizens eligible to vote, even accounting for the U.S. Census Bureau's margin of error.

Your failure to maintain accurate, up-to-date voter registration lists has created the risk that the 2018 federal elections will lack the integrity required by federal law and by the expectations of Florida citizens, and will therefore undermine public confidence in the electoral process.

**2. The NVRA Requires You to Undertake Reasonable Efforts to Maintain Accurate Lists of Eligible Registered Voters**

Under Section 8 of the NVRA, Florida is required to undertake a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act of 1965.<sup>4</sup> Specifically, Section 8 requires states to make a reasonable effort to

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<sup>4</sup> 52 U.S.C. § 20507(b)(1).

remove the names of ineligible voters from the official lists of eligible voters due to (A) “the death of the registrant” or (B) “a change in the residence of the registrant” to a place outside the jurisdiction in which he or she is registered.<sup>5</sup> Section 8 also requires states to ensure noncitizens are not registered to vote.<sup>6</sup>

The list maintenance obligations of Section 8 of the NVRA were elaborated upon by the Help America Vote Act (“HAVA”), which requires states to “ensure that voter registration records in the State are accurate and updated regularly” and undertake a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.”<sup>7</sup> HAVA also requires each state to coordinate its computerized statewide voter registration list with state agency death records.<sup>8</sup> Finally, HAVA requires all states to remove convicted felons from the voter rolls if felons cannot vote under state law.<sup>9</sup>

As the chief state election official for Florida, you are required to lead and direct voter list maintenance efforts in your state, and you must conduct an active oversight program to monitor local county election officials’ list maintenance activities.<sup>10</sup> If your oversight reveals that counties have failed to adequately execute list maintenance tasks, you must either change the state’s program to ensure county compliance, or assume direct responsibility over the failing counties’ list maintenance tasks.<sup>11</sup>

### **3. Failure to Comply with NVRA Subjects You to Lawsuits and Financial Costs**

In passing the NVRA, Congress authorized a private right of action to enforce the provisions of the NVRA, including Section 8. Accordingly, Judicial Watch and others may bring a lawsuit against you under the NVRA if you fail to correct these violations within 90 days of your receipt of this letter.<sup>12</sup> You are receiving this letter because you are the designated chief state election official under the NVRA.

Congress also authorized awards of attorney’s fees, including litigation expenses and costs, to the prevailing party.<sup>13</sup> Consequently, if we initiate a lawsuit under the NVRA and the

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<sup>6</sup> *U.S. v. Florida*, 870 F. Supp. 2d 1346, 1351 (N.D. Fla. 2012) (“For noncitizens, the state’s duty is to maintain an accurate voting list . . . A state can and should . . . block[] a noncitizen from registering in the first place”).

<sup>7</sup> 52 U.S.C. §§ 21083(a)(4) and 21083(a)(4)(A).

<sup>8</sup> 52 U.S.C. § 21083(a)(2)(A)(ii)(II).

<sup>9</sup> 52 U.S.C. § 21083(a)(2)(A)(ii) and (ii)(I).

<sup>10</sup> *U.S. v. Missouri*, 535 F.3d 844, 850-851 (8th Cir. 2008).

<sup>11</sup> *U.S. v. Missouri*, 535 F.3d 844, 851 (8th Cir. 2008).

<sup>12</sup> 52 U.S.C. § 20510(b)(2).

<sup>13</sup> 52 U.S.C. § 20510(c).

court finds you in violation, you will be responsible for paying our attorneys' fees, costs, and litigation expenses.

#### **4. Avoiding Litigation**

In order to avoid litigation, we hope you will promptly initiate efforts to comply with Section 8 so that no lawsuit will be necessary. We ask you to please respond to this letter in writing no later than 45 days from today informing us of the compliance steps you are taking. Specifically, we ask you to: (1) conduct or implement a systematic, uniform, nondiscriminatory program to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of a change in residence; and (2) conduct or implement additional routine measures to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of death, change in residence, or a disqualifying criminal conviction, and to remove noncitizens who have registered to vote unlawfully.

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#### **5. Production of Records**

Finally, pursuant to your obligations under the NVRA,<sup>15</sup> please make available to us all pertinent records concerning "the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Florida's official eligible voter lists during the past 2 years. Please include these records with your response to this letter. These records should include, but are not limited to:

1. Copies of the most recent voter registration database from each Florida county and city mentioned in this letter, including fields indicating name, date of birth, home address, most recent voter activity, and active or inactive status.

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5. Copies of all email or other communications between the Secretary's Office and the U.S. Attorney(s) for Florida, the U.S. District Court for Florida, the U.S. Social Security Administration, the U.S. Postal Service, the U.S. Citizenship and Immigration Services, and the U.S. Department of Homeland Security concerning the National Change of Address database, the Systematic Alien Verification for Entitlements database, or any other means of obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida's voter registration lists.
6. Copies of all email or other communications between the Secretary's Office and the Interstate Voter Registration Cross-Check Program, the Electronic Registration Information Center, the National Association for Public Health Statistics and Information Systems, and any other U.S. State concerning obtaining information about deceased or relocated registered voters for the purpose of updating Florida's voter registration lists.

If you do not produce these records within 45 days, or if you fail to otherwise advise us that you are making them available to us at specified times and locations, you will be deemed to be in violation of the NVRA and subject to litigation.

\* \* \* \* \*



We hope our concerns can be resolved amicably. However, if we believe you do not intend to correct the above-identified problems, a federal lawsuit seeking declaratory and injunctive relief against you may be necessary. We look forward to receiving your prompt response.

Sincerely,

**JUDICIAL WATCH, INC.**



Thomas J. Fitton  
President

By: U.S. Postal Service Certified Mail and Email

cc: Robert D. Popper, Esq., Judicial Watch; Chris H. Chambless, Clay County Supervisor of Elections; Kaiti Lenhart, Flagler County Supervisor of Elections; Louise McGirr, Okaloosa County Voter Registration Manager; Rosa Cruz, Osceola County Voter Registration Manager; Tappie A. Villane, Santa Rosa County Supervisor of Elections; Vicky Oakes, St. Johns County Supervisor of Elections

**From:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**Sent:** Tuesday, April 11, 2017 4:08 PM EDT  
**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Fugett, David A. <David.Fugett@dos.myflorida.com>  
**CC:** Martin, Cara C. <Cara.Martin@dos.myflorida.com>; Black, Ashley M. <Ashley.Black@dos.myflorida.com>  
**Subject:** FW: National Voter Registration Act Section 8 Violation Letter  
**Attachment(s):** "Florida NVRA Section 8 Violation Letter.pdf"

**From:** Eric Lee [mailto:elee@JUDICIALWATCH.ORG]  
**Sent:** Tuesday, April 11, 2017 3:28 PM  
**To:** Secretary of State  
**Cc:** Robert Popper; DivElections; Chambless, Chris H.; Lenhart, Kaiti; McGirr, Louise; soe@voteosceola.com; Villane, Tappie Ann; soe2@votesjc.com  
**Subject:** National Voter Registration Act Section 8 Violation Letter  
**Importance:** High

Dear Secretary Detzner:

Attached please find a letter concerning violations of the National Voter Registration Act.

Thank you,

Eric

Eric Lee | Attorney  
**Judicial Watch, Inc.**  
425 Third Street, SW | Suite 800  
Washington, DC 20024  
Tel: (202) 646-5172 | E: [elee@judicialwatch.org](mailto:elee@judicialwatch.org)  
Website: [www.judicialwatch.org](http://www.judicialwatch.org)

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April 11, 2017

*VIA USPS CERTIFIED MAIL AND EMAIL*

The Honorable Ken Detzner  
Office of the Florida Secretary of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

**Re: Violations of Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507**

Dear Secretary Detzner:

We write to bring your attention to possible violations of Section 8 of the National Voter Registration Act (“NVRA”) in Florida. From public records obtained, six counties in Florida have more total registered voters than adult citizens over the age of 18 as calculated by the U.S. Census Bureau’s 2011-2015 American Community Survey. This is strong circumstantial evidence that these counties are not conducting reasonable voter registration record maintenance as mandated under the NVRA.

NVRA Section 8 requires states to do reasonable list maintenance so as to maintain accurate lists of eligible voters for use in conducting federal elections.<sup>1</sup> As you may know, Congress enacted Section 8 of the NVRA to protect the integrity of the electoral process. Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the legitimacy of elections. As the U.S. Supreme Court has stated, “[P]ublic confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process.”<sup>2</sup>

This letter serves as statutory notice that Judicial Watch will bring a lawsuit against your office if you do not take specific actions to correct these violations of Section 8 within 90 days. In addition, by this letter we are asking you to produce certain records to us which you are required to make available under Section 8(i) of the NVRA.<sup>3</sup> We hope that litigation will not be necessary to enforce either of these claims.

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<sup>1</sup> In Florida, responsibility to coordinate statewide NVRA Section 8 compliance lies with the Secretary of State’s Office. See Fla. Stat. § 97.012; 52 U.S.C. § 20509.

<sup>2</sup> *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008).

<sup>3</sup> 52 U.S.C. § 20507(i).

Judicial Watch is a non-profit organization that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. As part of its mission, Judicial Watch is committed to the private enforcement of the NVRA, and we regularly commence and litigate NVRA lawsuits. See *Judicial Watch and True the Vote v. Husted*, Civil Action No. 2:12-cv-00792 (S.D. Oh.); *Judicial Watch, et. al v. King*, Case No. 1:12-cv-00800 (S.D. Ind.).

As the top election official in Florida, it is your responsibility under federal law to coordinate Florida's statewide effort to conduct a program that reasonably ensures the lists of eligible voters are accurate. The following information explains how we determined that your state is in violation of NVRA Section 8 and the remedial steps you now must take to comply with the law.

**1. Six Counties Have More Total Registered Voters Than Citizen Voting Age Population.**

Based on our review of 2014 Election Assistance Commission (EAC) data, the 2011-2015 U.S. Census Bureau's American Community Survey, and the November 2014 and 2016 active and inactive voter registration records, Florida is failing to comply with the voter registration list maintenance requirements of Section 8 of the NVRA. For example, a comparison of the five-year American Community Survey conducted by the U.S. Census Bureau and 2014 EAC data shows there were more total registered voters than there were adult citizens over the age of 18 living in each of the following six counties: Clay (registration rate 101%), Flagler (106%), Okaloosa (100%), Osceola (106%), Santa Rosa (108%), and St. Johns (114%).

This situation in Florida has, if anything, gotten worse since the publication of that report. A comparison of the November 2016 total voter registration records of these six counties obtained from your website with the 2011-2015 U.S. Census Bureau's American Community Survey data shows that this trend has either stayed constant or has increased. The data shows that five of the six counties have more total voter registrants than citizens eligible to vote, even accounting for the U.S. Census Bureau's margin of error.

Your failure to maintain accurate, up-to-date voter registration lists has created the risk that the 2018 federal elections will lack the integrity required by federal law and by the expectations of Florida citizens, and will therefore undermine public confidence in the electoral process.

**2. The NVRA Requires You to Undertake Reasonable Efforts to Maintain Accurate Lists of Eligible Registered Voters**

Under Section 8 of the NVRA, Florida is required to undertake a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act of 1965.<sup>4</sup> Specifically, Section 8 requires states to make a reasonable effort to

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<sup>4</sup> 52 U.S.C. § 20507(b)(1).

remove the names of ineligible voters from the official lists of eligible voters due to (A) “the death of the registrant” or (B) “a change in the residence of the registrant” to a place outside the jurisdiction in which he or she is registered.<sup>5</sup> Section 8 also requires states to ensure noncitizens are not registered to vote.<sup>6</sup>

The list maintenance obligations of Section 8 of the NVRA were elaborated upon by the Help America Vote Act (“HAVA”), which requires states to “ensure that voter registration records in the State are accurate and updated regularly” and undertake a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.”<sup>7</sup> HAVA also requires each state to coordinate its computerized statewide voter registration list with state agency death records.<sup>8</sup> Finally, HAVA requires all states to remove convicted felons from the voter rolls if felons cannot vote under state law.<sup>9</sup>

As the chief state election official for Florida, you are required to lead and direct voter list maintenance efforts in your state, and you must conduct an active oversight program to monitor local county election officials’ list maintenance activities.<sup>10</sup> If your oversight reveals that counties have failed to adequately execute list maintenance tasks, you must either change the state’s program to ensure county compliance, or assume direct responsibility over the failing counties’ list maintenance tasks.<sup>11</sup>

### **3. Failure to Comply with NVRA Subjects You to Lawsuits and Financial Costs**

In passing the NVRA, Congress authorized a private right of action to enforce the provisions of the NVRA, including Section 8. Accordingly, Judicial Watch and others may bring a lawsuit against you under the NVRA if you fail to correct these violations within 90 days of your receipt of this letter.<sup>12</sup> You are receiving this letter because you are the designated chief state election official under the NVRA.

Congress also authorized awards of attorney’s fees, including litigation expenses and costs, to the prevailing party.<sup>13</sup> Consequently, if we initiate a lawsuit under the NVRA and the

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<sup>5</sup> 52 U.S.C. § 20507(a)(4).

<sup>6</sup> *U.S. v. Florida*, 870 F. Supp. 2d 1346, 1351 (N.D. Fla. 2012) (“For noncitizens, the state’s duty is to maintain an accurate voting list . . . A state can and should . . . block[] a noncitizen from registering in the first place”).

<sup>7</sup> 52 U.S.C. §§ 21083(a)(4) and 21083(a)(4)(A).

<sup>8</sup> 52 U.S.C. § 21083(a)(2)(A)(ii)(II).

<sup>9</sup> 52 U.S.C. § 21083(a)(2)(A)(ii) and (ii)(I).

<sup>10</sup> *U.S. v. Missouri*, 535 F.3d 844, 850-851 (8th Cir. 2008).

<sup>11</sup> *U.S. v. Missouri*, 535 F.3d 844, 851 (8th Cir. 2008).

<sup>12</sup> 52 U.S.C. § 20510(b)(2).

<sup>13</sup> 52 U.S.C. § 20510(c).



court finds you in violation, you will be responsible for paying our attorneys' fees, costs, and litigation expenses.

#### **4. Avoiding Litigation**

In order to avoid litigation, we hope you will promptly initiate efforts to comply with Section 8 so that no lawsuit will be necessary. We ask you to please respond to this letter in writing no later than 45 days from today informing us of the compliance steps you are taking. Specifically, we ask you to: (1) conduct or implement a systematic, uniform, nondiscriminatory program to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of a change in residence; and (2) conduct or implement additional routine measures to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of death, change in residence, or a disqualifying criminal conviction, and to remove noncitizens who have registered to vote unlawfully.

When you respond to this letter, please identify all the steps you are taking or plan to take in detail, and advise us of the results of those efforts or the target implementation date for each activity or program you will be undertaking. If you plan to begin taking new steps in 2017 to comply with your obligations, please outline them to us in your response, providing specific dates for completion of each activity. In order to avoid litigation, we may seek certain reasonable assurances that Florida will affirmatively undertake the steps outlined, up to and including the execution of a settlement agreement between you and Judicial Watch. You may wish to consult Judicial Watch's recent settlement agreement with the State of Ohio for examples of certain activities which tend to show compliance with NVRA Section 8.<sup>14</sup> You should also evaluate whether your office is communicating and coordinating effectively for list maintenance purposes with the various federal, state, and local entities listed immediately below in Section 5 of this letter.

#### **5. Production of Records**

Finally, pursuant to your obligations under the NVRA,<sup>15</sup> please make available to us all pertinent records concerning "the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Florida's official eligible voter lists during the past 2 years. Please include these records with your response to this letter. These records should include, but are not limited to:

1. Copies of the most recent voter registration database from each Florida county and city mentioned in this letter, including fields indicating name, date of birth, home address, most recent voter activity, and active or inactive status.

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<sup>14</sup> A copy of the Settlement Agreement between Judicial Watch and Ohio is available at <http://www.judicialwatch.org/wp-content/uploads/2014/01/01-14-Ohio-Voter-Rolls-Settlement.pdf>.

<sup>15</sup> 52 U.S.C. § 20507(i).



2. Copies of all email or other communications internal to the office of the Florida Secretary of State, including any of its divisions, bureaus, offices, third party agents, or contractors, (hereinafter, collectively "Secretary's Office") relating to the maintenance of accurate and current voter rolls.
3. Copies of all email or other communications between the Secretary's Office and all Florida County Voter Registration Officials concerning:
  - a. Instructions to the counties concerning their general list maintenance practices and obligations;
  - b. Instructions to the counties for the removal of specific noncitizens and deceased, relocated, or convicted persons identified by the Secretary's Office; and
  - c. Notices to the counties concerning any failure to comply with their voter list maintenance obligations under Florida's program.
4. Copies of all email or other communications between the Secretary's Office and the Florida State Department of Health, the Florida State Department of Corrections, the Florida Department of Motor Vehicles, and the Florida State Judiciary concerning obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida's voter registration lists.
5. Copies of all email or other communications between the Secretary's Office and the U.S. Attorney(s) for Florida, the U.S. District Court for Florida, the U.S. Social Security Administration, the U.S. Postal Service, the U.S. Citizenship and Immigration Services, and the U.S. Department of Homeland Security concerning the National Change of Address database, the Systematic Alien Verification for Entitlements database, or any other means of obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida's voter registration lists.
6. Copies of all email or other communications between the Secretary's Office and the Interstate Voter Registration Cross-Check Program, the Electronic Registration Information Center, the National Association for Public Health Statistics and Information Systems, and any other U.S. State concerning obtaining information about deceased or relocated registered voters for the purpose of updating Florida's voter registration lists.

If you do not produce these records within 45 days, or if you fail to otherwise advise us that you are making them available to us at specified times and locations, you will be deemed to be in violation of the NVRA and subject to litigation.

\* \* \* \* \*

We hope our concerns can be resolved amicably. However, if we believe you do not intend to correct the above-identified problems, a federal lawsuit seeking declaratory and injunctive relief against you may be necessary. We look forward to receiving your prompt response.

Sincerely,

**JUDICIAL WATCH, INC.**



Thomas J. Fitton  
President

By: U.S. Postal Service Certified Mail and Email

cc: Robert D. Popper, Esq., Judicial Watch; Chris H. Chambless, Clay County Supervisor of Elections; Kaiti Lenhart, Flagler County Supervisor of Elections; Louise McGirr, Okaloosa County Voter Registration Manager; Rosa Cruz, Osceola County Voter Registration Manager; Tappie A. Villane, Santa Rosa County Supervisor of Elections; Vicky Oakes, St. Johns County Supervisor of Elections

**From:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Sent:** Wednesday, June 28, 2017 3:54 PM EDT  
**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Fugett, David A. <David.Fugett@dos.myflorida.com>  
**CC:** Martin, Cara C. <Cara.Martin@dos.myflorida.com>; Black, Ashley M. <Ashley.Black@dos.myflorida.com>  
**Subject:** FW: National Voter Registration Act Section 8 Violation Letter  
**Attachment(s):** "Florida NVRA Section 8 Violation Letter - 6 28 2017.pdf"

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**From:** Secretary of State  
**Sent:** Wednesday, June 28, 2017 3:50 PM  
**To:** Bishop, Shelby L.  
**Subject:** FW: National Voter Registration Act Section 8 Violation Letter

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**From:** Robert Popper [<mailto:rpopper@JUDICIALWATCH.ORG>]  
**Sent:** Wednesday, June 28, 2017 3:46 PM  
**To:** Secretary of State; Fugett, David A.  
**Cc:** DivElections; Chambless, Chris H.; Lenhart, Kaiti; McGirr, Louise; [soe@votesceola.com](mailto:soe@votesceola.com); Villane, Tappie Ann; [soe2@votesjc.com](mailto:soe2@votesjc.com); Eric Lee  
**Subject:** RE: National Voter Registration Act Section 8 Violation Letter

Secretary Detzner:

Attached is a letter that is similar to the one you received on April 11, 2017, but which is being sent on behalf of particular, named residents and registered voters in Florida. At a May 4, 2017 phone conference with your office, we mentioned the fact that we would be sending this letter. As we also discussed during that call, there is no need to respond to the document demands in this letter if you already have responded to the same requests in our previous letter. Please contact me if you have any questions or would like to discuss this further.

Robert Popper  
Judicial Watch, Inc.  
425 Third Street, SW  
Suite 800  
Washington, D.C. 20024  
(202) 646-5172

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**From:** Eric Lee  
**Sent:** Tuesday, April 11, 2017 3:28 PM  
**To:** [SecretaryofState@DOS.MyFlorida.com](mailto:SecretaryofState@DOS.MyFlorida.com)  
**Cc:** Robert Popper; [DivElections@dos.myflorida.com](mailto:DivElections@dos.myflorida.com); [CChambless@ClayElections.com](mailto:CChambless@ClayElections.com); [klenhart@flaglerelections.com](mailto:klenhart@flaglerelections.com); [Imcgirr@co.okaloosa.fl.us](mailto:Imcgirr@co.okaloosa.fl.us); [soe@votesceola.com](mailto:soe@votesceola.com); [villane@santarosa.fl.gov](mailto:villane@santarosa.fl.gov); [soe2@votesjc.com](mailto:soe2@votesjc.com)  
**Subject:** National Voter Registration Act Section 8 Violation Letter  
**Importance:** High

Dear Secretary Detzner:

Attached please find a letter concerning violations of the National Voter Registration Act.

Thank you,

Eric

Eric Lee | Attorney  
**Judicial Watch, Inc.**  
425 Third Street, SW | Suite 800  
Washington, DC 20024  
Tel: (202) 646-5172 | E: [elee@judicialwatch.org](mailto:elee@judicialwatch.org)  
Website: [www.judicialwatch.org](http://www.judicialwatch.org)

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**Judicial  
Watch®**  
*Because no one  
is above the law!*

June 28, 2017

*VIA USPS CERTIFIED MAIL AND EMAIL*

The Honorable Ken Detzner  
Office of the Florida Secretary of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

**Re: Violations of Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507**

Dear Secretary Detzner:

I write as legal counsel for Tim Berry, Gerard Casale, James Grembi, and Richard L. Mook, in their individual capacity as registered Florida voters, to bring your attention to possible violations of Section 8 of the National Voter Registration Act (“NVRA”) in Florida. From public records obtained, six counties in Florida have more total registered voters than adult citizens over the age of 18 as calculated by the U.S. Census Bureau’s 2011-2015 American Community Survey. This is strong circumstantial evidence that these counties are not conducting reasonable voter registration record maintenance as mandated under the NVRA.

NVRA Section 8 requires states to do reasonable list maintenance so as to maintain accurate lists of eligible voters for use in conducting federal elections.<sup>1</sup> As you may know, Congress enacted Section 8 of the NVRA to protect the integrity of the electoral process. Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the legitimacy of elections. As the U.S. Supreme Court has stated, “[P]ublic confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process.”<sup>2</sup>

This letter serves as statutory notice that Tim Berry, Gerard Casale, James Grembi, and Richard L. Mook, in their individual capacity as registered Florida voters, will bring a lawsuit against you and, if appropriate, against the counties named in this letter, if you do not take specific actions to correct these violations of Section 8 within 90 days.<sup>3</sup> In addition, by this letter

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<sup>1</sup> In Florida, responsibility to coordinate statewide NVRA Section 8 compliance lies with the Secretary of State’s Office. See Fla. Stat. § 97.012; 52 U.S.C. § 20509.

<sup>2</sup> *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008).

<sup>3</sup> Judicial Watch, Inc. gave its statutory notice on April 11, 2017. Nothing in this current letter is intended to withdraw that notice, and Judicial Watch, Inc. reserves the right to sue as the named plaintiff in any future lawsuit.

we are asking you and, to the extent that they keep records separately, the counties named in this letter, to produce certain records to us which you are required to make available under Section 8(i) of the NVRA.<sup>4</sup> We hope that litigation will not be necessary to enforce either of these claims.

As the top election official in Florida, it is your responsibility under federal law to coordinate Florida's statewide effort to conduct a program that reasonably ensures the lists of eligible voters are accurate. The following information explains how we determined that your state and the named counties are in violation of NVRA Section 8 and the remedial steps that must be taken to comply with the law.

## **1. Six Counties Have More Total Registered Voters Than Citizen Voting Age Population.**

Based on our review of 2014 Election Assistance Commission (EAC) data, the 2011-2015 U.S. Census Bureau's American Community Survey, and the November 2014 and 2016 active and inactive voter registration records, Florida is failing to comply with the voter registration list maintenance requirements of Section 8 of the NVRA. For example, a comparison of the five-year American Community Survey conducted by the U.S. Census Bureau and 2014 EAC data shows there were more total registered voters than there were adult citizens over the age of 18 living in each of the following six counties: Clay (registration rate 101%), Flagler (106%), Okaloosa (100%), Osceola (106%), Santa Rosa (108%), and St. Johns (114%).

This situation in Florida has, if anything, gotten worse since the publication of that report. A comparison of the November 2016 total voter registration records of these six counties obtained from your website with the 2011-2015 U.S. Census Bureau's American Community Survey data shows that this trend has either stayed constant or has increased. The data shows that five of the six counties have more total voter registrants than citizens eligible to vote, even accounting for the U.S. Census Bureau's margin of error.

This failure to maintain accurate, up-to-date voter registration lists has created the risk that the 2018 federal elections will lack the integrity required by federal law and by the expectations of Florida citizens, and will therefore undermine public confidence in the electoral process.

## **2. The NVRA Requires You to Undertake Reasonable Efforts to Maintain Accurate Lists of Eligible Registered Voters**

Under Section 8 of the NVRA, Florida, and each county identified in this letter, is required to undertake a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act of 1965.<sup>5</sup> Specifically, Section 8 requires states to

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<sup>4</sup> 52 U.S.C. § 20507(i).

<sup>5</sup> 52 U.S.C. § 20507(b)(1).

make a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to (A) “the death of the registrant” or (B) “a change in the residence of the registrant” to a place outside the jurisdiction in which he or she is registered.<sup>6</sup> Section 8 also requires states to ensure noncitizens are not registered to vote.<sup>7</sup>

The list maintenance obligations of Section 8 of the NVRA were elaborated upon by the Help America Vote Act (“HAVA”), which requires states to “ensure that voter registration records in the State are accurate and updated regularly” and undertake a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.”<sup>8</sup> HAVA also requires each state to coordinate its computerized statewide voter registration list with state agency death records.<sup>9</sup> Finally, HAVA requires all states to remove convicted felons from the voter rolls if felons cannot vote under state law.<sup>10</sup>

As the chief state election official for Florida, you are required to lead and direct voter list maintenance efforts in your state, and you must conduct an active oversight program to monitor local county election officials’ list maintenance activities.<sup>11</sup> If your oversight reveals that counties have failed to adequately execute list maintenance tasks, you must either change the state’s program to ensure county compliance, or assume direct responsibility over the failing counties’ list maintenance tasks.<sup>12</sup>

### **3. Failure to Comply with NVRA Subjects You to Lawsuits and Financial Costs**

In passing the NVRA, Congress authorized a private right of action to enforce the provisions of the NVRA, including Section 8. Accordingly, private persons may bring a lawsuit under the NVRA if the violations identified herein are not corrected within 90 days of receipt of this letter.<sup>13</sup> You are receiving this letter because you are the designated chief state election official under the NVRA.

Congress also authorized awards of attorney’s fees, including litigation expenses and costs, to the prevailing party.<sup>14</sup> Consequently, if a lawsuit is initiated under the NVRA and the

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<sup>6</sup> 52 U.S.C. § 20507(a)(4).

<sup>7</sup> *U.S. v. Florida*, 870 F. Supp. 2d 1346, 1351 (N.D. Fla. 2012) (“For noncitizens, the state’s duty is to maintain an accurate voting list . . . A state can and should . . . block[] a noncitizen from registering in the first place”).

<sup>8</sup> 52 U.S.C. §§ 21083(a)(4) and 21083(a)(4)(A).

<sup>9</sup> 52 U.S.C. § 21083(a)(2)(A)(ii)(II).

<sup>10</sup> 52 U.S.C. § 21083(a)(2)(A)(ii) and (ii)(I).

<sup>11</sup> *U.S. v. Missouri*, 535 F.3d 844, 850-851 (8th Cir. 2008).

<sup>12</sup> *U.S. v. Missouri*, 535 F.3d 844, 851 (8th Cir. 2008).

<sup>13</sup> 52 U.S.C. § 20510(b)(2).

<sup>14</sup> 52 U.S.C. § 20510(c).



court finds you in violation, you will be responsible for paying our attorneys' fees, costs, and litigation expenses.

#### **4. Avoiding Litigation**

We hope you will promptly initiate efforts to comply with Section 8 so that no lawsuit will be necessary. We ask you, and each county identified in this letter, to please respond to this letter in writing no later than 45 days from today informing us of the compliance steps you are taking. Specifically, we ask you to: (1) conduct or implement a systematic, uniform, nondiscriminatory program to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of a change in residence; and (2) conduct or implement additional routine measures to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of death, change in residence, or a disqualifying criminal conviction, and to remove noncitizens who have registered to vote unlawfully.

When you respond to this letter, please identify all the steps you are taking or plan to take in detail, and advise us of the results of those efforts or the target implementation date for each activity or program you will be undertaking. If you plan to begin taking new steps in 2017 to comply with your obligations, please outline them to us in your response, providing specific dates for completion of each activity. In order to avoid litigation, we may seek certain reasonable assurances that Florida will affirmatively undertake the steps outlined, up to and including the execution of a settlement agreement. You may wish to consult Judicial Watch's recent settlement agreement with the State of Ohio for examples of certain activities which tend to show compliance with NVRA Section 8.<sup>15</sup> You should also evaluate whether your office is communicating and coordinating effectively for list maintenance purposes with the various federal, state, and local entities listed immediately below in Section 5 of this letter.

#### **5. Production of Records**

Finally, pursuant to your obligations under the NVRA,<sup>16</sup> your office, and, to the extent that they keep records separately from your office, each county named in this letter, should make available to us all pertinent records concerning "the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Florida's official eligible voter lists during the past 2 years. Please include these records with your response to this letter. These records should include, but are not limited to:

1. Copies of the most recent voter registration database from each Florida county and city mentioned in this letter, including fields indicating name, date of birth, home address, most recent voter activity, and active or inactive status.

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<sup>15</sup> A copy of the Settlement Agreement between Judicial Watch and Ohio is available at <http://www.judicialwatch.org/wp-content/uploads/2014/01/01-14-Ohio-Voter-Rolls-Settlement.pdf>.

<sup>16</sup> 52 U.S.C. § 20507(i).

2. Copies of all email or other communications internal to the office of the Florida Secretary of State, including any of its divisions, bureaus, offices, third party agents, or contractors, (hereinafter, collectively “Secretary’s Office”) relating to the maintenance of accurate and current voter rolls.
3. Copies of all email or other communications between the Secretary’s Office and all Florida County Voter Registration Officials concerning:
  - a. Instructions to the counties concerning their general list maintenance practices and obligations;
  - b. Instructions to the counties for the removal of specific noncitizens and deceased, relocated, or convicted persons identified by the Secretary’s Office; and
  - c. Notices to the counties concerning any failure to comply with their voter list maintenance obligations under Florida’s program.
4. Copies of all email or other communications between the Secretary’s Office and the Florida State Department of Health, the Florida State Department of Corrections, the Florida Department of Motor Vehicles, and the Florida State Judiciary concerning obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida’s voter registration lists.
5. Copies of all email or other communications between the Secretary’s Office and the U.S. Attorney(s) for Florida, the U.S. District Court for Florida, the U.S. Social Security Administration, the U.S. Postal Service, the U.S. Citizenship and Immigration Services, and the U.S. Department of Homeland Security concerning the National Change of Address database, the Systematic Alien Verification for Entitlements database, or any other means of obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida’s voter registration lists.
6. Copies of all email or other communications between the Secretary’s Office and the Interstate Voter Registration Cross-Check Program, the Electronic Registration Information Center, the National Association for Public Health Statistics and Information Systems, and any other U.S. State concerning information about deceased or relocated registered voters for the purpose of updating Florida’s voter registration lists.

If these records are not produced within 45 days, or if you fail to otherwise advise us that you are making them available to us at specified times and locations, you will be deemed to be in violation of the NVRA and subject to litigation.

\* \* \* \* \*

Hon. Ken Detzner

June 28, 2017

Page | 6

I hope that the concerns identified in this letter can be resolved amicably. However, if we believe you do not intend to correct the above-identified problems, a federal lawsuit seeking declaratory and injunctive relief against you may be necessary. We look forward to receiving your prompt response.

Sincerely,

**JUDICIAL WATCH, INC.**

*s/ Robert D. Popper*

Robert D. Popper  
Attorney, Judicial Watch, Inc.

By: U.S. Postal Service Certified Mail and Email

cc: Robert D. Popper, Esq., Judicial Watch; Chris H. Chambless, Clay County Supervisor of Elections; Kaiti Lenhart, Flagler County Supervisor of Elections; Louise McGirr, Okaloosa County Voter Registration Manager; Rosa Cruz, Osceola County Voter Registration Manager; Tappie A. Villane, Santa Rosa County Supervisor of Elections; Vicky Oakes, St. Johns County Supervisor of Elections

**From:** Fugett, David A. <David.Fugett@dos.myflorida.com>  
**Sent:** Wednesday, May 03, 2017 6:00 PM EDT  
**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>  
**Subject:** FW: NVRA letter

FYI.

I currently have this calendared with Jordan and Lydia to attend with me, but please feel free to join us tomorrow (in my office) if you would like to listen in.

Thanks.

D. Fugett

**From:** Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]  
**Sent:** Wednesday, May 03, 2017 5:48 PM  
**To:** Fugett, David A.; 'curriecoates@gmail.com'; Eric Lee  
**Subject:** NVRA letter

Mr. Fugett,

It was good to talk to you today. We all can participate on a call at 10:30 a.m. tomorrow morning. Please use our call-in service. Dial 303-632-3034 and enter the participant code 115220.

Talk to you then –

Bob Popper  
Director, Election Integrity Project  
Judicial Watch, Inc.  
425 Third Street, SW  
Suite 800  
Washington, D.C. 20024  
Direct: (202) 646-5173

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**From:** Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>  
**Sent:** Friday, November 16, 2018 11:40 AM EST  
**To:** Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>  
**CC:** Randolph, Lenard J. <Lenard.Randolph@DOS.MyFlorida.com>; Swain, Margaret A. <Margaret.Swain@dos.myflorida.com>  
**Subject:** FW: Records requests - PILF  
**Attachment(s):** "Hybrid Request FL.pdf"

Director Matthews,

Please see the public records request attached to this email.

The request asks for emails and other correspondence between DOS and the following organizations, for the time period of 1/1/2016 to 11/15/2018:

- Demos
- Campaign Legal Center
- Southern Coalition for Social Justice
- League of Women Voters
- Brennan Center for Justice
- Lawyers' Committee for Civil Rights Under Law
- League of United Latin American Citizens
- NAACP Legal Defense Fund
- Advancement Project
- Common Cause
- American Civil Liberties Union
- National Democratic Redistricting Committee
- Latino Victory Fund/Latino Victory Project
- UnidosUS née La Raza

I believe the most functional way of fulfilling this request is to have IT query the Outlook database, using the names of the organizations as search terms. Additionally, they could also search for emails sent to or from the following domains:

- @demos.org
- @campaignlegal.org
- @scsj.org
- @lww.org
- @nyu.edu
- @lawyerscommittee.org
- @lulac.org
- @naacpldf.org
- @advancementproject.org
- @commoncause.org
- @aclu.org
- @democraticredistricting.com
- @latinovictory.us
- @unidosus.org

After any records are located, they would need to be reviewed and any confidential/exempt information redacted prior to providing the records. I am unable to estimate how long this would take, as it would vary depending on the volume of records located, but regardless this will likely necessitate a special service charge, as IT's search for the records will on its own take more than 30 minutes of time.

---

**From:** DivElections  
**Sent:** Thursday, November 15, 2018 5:55 PM  
**To:** Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>  
**Subject:** FW: Records requests - PILF

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**From:** Logan Churchwell [<mailto:lgchurchwell@PublicInterestLegal.org>]  
**Sent:** Thursday, November 15, 2018 4:47 PM  
**To:** DivElections <[DivElections@DOS.MyFlorida.com](mailto:DivElections@DOS.MyFlorida.com)>; General Counsel <[DOS.GeneralCounsel@DOS.MyFlorida.com](mailto:DOS.GeneralCounsel@DOS.MyFlorida.com)>  
**Subject:** Records requests - PILF

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

To Whom It May Concern:

Please review the attached request and advise when responsive records will be available.

**Logan Churchwell**  
Communications & Research Director  
[Public Interest Legal Foundation](#)  
[Ichurchwell@PublicInterestLegal.org](mailto:Ichurchwell@PublicInterestLegal.org)  
432-935-3840

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# PUBLIC INTEREST

— LEGAL FOUNDATION —

11/15/2018

Via Electronic Mail

Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
Email: DivElections@dos.myflorida.com  
DOS.GeneralCounsel@DOS.MyFlorida.com

**RE: Request for records under NVRA and Florida Sunshine Law**

Dear Secretary Detzner:

I am writing to request inspection or copies of records under the National Voter Registration Act of 1993 (NVRA) and the Florida Sunshine Law.

**National Voter Registration Act**

The National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.*, requires your office to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i).

Pursuant to Section 20507(i) of NVRA, I request that your office reproduce or provide the opportunity to inspect the following:

1. All emails and other written correspondence (including attachments/enclosures) between the Florida Department of State’s office (and any of its subdivisions or departments) and any of the third parties listed below that relate to “programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i).

The requested records would include (but are not limited to) correspondence related to voter registration, the cancellation of registered voters, registrant and voter eligibility, correspondence with registered voters, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

The time period for this request is January 1, 2016 to the present.

**Florida Sunshine Law**

Pursuant to the Florida Sunshine Law, I request that your office provide copies of the following:

- 
2. All emails and other written correspondence (including attachments/enclosures) between the Florida Department of State's office (and any of its subdivisions or departments) and any of the third parties listed below that relate to any subject-matter not covered by Request #1.

The time period for this request is January 1, 2016 to the present.

### **Third-Party List**

The aforementioned requests concern communications between the Florida Department of State's office (and any of its subdivisions or departments) and any of these third-parties or individuals acting on their behalf:

1. Demos
2. Campaign Legal Center
3. Southern Coalition for Social Justice
4. League of Women Voters
5. Brennan Center for Justice
6. Lawyers' Committee for Civil Rights Under Law
7. League of United Latin American Citizens
8. NAACP Legal Defense Fund
9. Advancement Project
10. Common Cause
11. American Civil Liberties Union
12. National Democratic Redistricting Committee
13. Latino Victory Fund/Latino Victory Project
14. UnidosUS née La Raza

### **Excluded Records**

We do wish to limit some disclosed communication records. It is not necessary to reproduce by any means copies of email or print newsletters and any other mass communications received from the aforementioned parties. This limitation also applies to any news articles/clippings/digests potentially circulated within your office that mention the above parties by name—unless individuals within your office provide additional commentary about the clippings within the email in question.

### **Informational Interests**

The Public Interest Legal Foundation is a non-profit organization that specializes, in part, in voting and election related research. The Foundation regularly utilizes the NVRA's public inspection provision and state and federal open records laws that require government records be made available to the public. Using records and data compiled through these open records laws, the Foundation produces and disseminates reports, press releases, newspaper opinion articles, blog and social media posts, and newsletters in order to advance the public education aspect of its organizational mission. This request is made in furtherance of the Foundation's newsgathering and educational purposes.

Accordingly, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of matters touching on the right to vote and the government's responsiveness to inquiries regarding the same.

If there are any copying expenses, please let us know in advance at the email address listed below.

If you wish to dispense with a public inspection and provide copies of these records instead, please send them to following address:

32 E. Washington Street  
Suite 1675  
Indianapolis, IN 46204

Should you need to contact me regarding this request, please contact me via email at [lchurchwell@publicinterestlegal.org](mailto:lchurchwell@publicinterestlegal.org).

Thank you for your service on this matter.

Sincerely,



Logan Churchwell  
Communications & Research Director  
Public Interest Legal Foundation  
[lchurchwell@publicinterestlegal.org](mailto:lchurchwell@publicinterestlegal.org)

**From:** Detzner, Kenneth W. on behalf of Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>  
**Sent:** Thursday, July 06, 2017 4:19 PM EDT  
**To:** Chambless, Chris H. <cchambless@clayelections.com>  
**Subject:** Fwd: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
**Attachment(s):** "DOS Letter to Presidential Advisory Commission on Election Integrity.pdf", "ATT00001.htm"

Thank you for your positive remarks. K

Sent from my iPhone

Begin forwarded message:

**From:** "Bishop, Shelby L." <[Shelby.Bishop@DOS.MyFlorida.com](mailto:Shelby.Bishop@DOS.MyFlorida.com)>  
**To:** "Detzner, Kenneth W." <[Kenneth.Detzner@dos.myflorida.com](mailto:Kenneth.Detzner@dos.myflorida.com)>  
**Subject:** FW: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

-----Original Message-----

From: Secretary of State  
Sent: Thursday, July 06, 2017 4:10 PM  
To: '[ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov)'  
Subject: RE: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
Importance: High

Please see attached letter for the Secretary of State Ken Detzner...

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]  
Sent: Wednesday, June 28, 2017 4:41 PM  
To: Secretary of State  
Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from the Vice Chair of the Presidential Advisory Commission on Election Integrity, Kansas Secretary of State Kris Kobach.

Thank you.

Commission Staff

The Department of State is committed to excellence.  
Please take our Customer Satisfaction Survey <<http://survey.dos.state.fl.us/index.aspx?email=SecretaryofState@DOS.MyFlorida.com>>.





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 6, 2017

The Honorable Kris W. Kobach  
Secretary of State  
Memorial Hall, 1<sup>st</sup> Floor  
120 SW 10<sup>th</sup> Avenue  
Topeka, KS 66612-1594

Dear Secretary Kobach,

The right to vote is one of the most sacred rights available in the democratic process. Any efforts to dilute its importance cannot be taken lightly. As you know, people have died for the right to vote and we must ensure we preserve it. Of course, the responsibility for the accuracy and fairness of our election process in Florida lies on us, not with the federal government in Washington.

As Governor Scott often says, in Florida, our goal for each election is to have 100 percent participation of eligible voters with zero fraud. We take this mission extremely seriously and work each day to ensure that Floridians can participate in fair, honest elections. In fact, in 2016, we are proud that Florida had record turnout and a smooth, secure election which reflected the will of the people of Florida.

The Department of State constantly works with Florida's 67 independent Supervisors of Elections to increase access to voting for Floridians. This includes legislation in 2013 that gave Supervisors of Elections more flexibility in setting early voting hours and locations to fit their communities' needs and limiting the length of ballots in Florida to help prevent long lines at the polls.

On June 28, 2017, you requested certain voter roll information, much of which is publicly available to you under the Florida Public Records Law, Chapter 119 of Florida Statute. In fact, each year, our office already fulfills hundreds of public records requests for some of the same information that you have requested. We are glad to continue following Florida's Public Records Law by providing the requested information to you that is publicly available.



Page 2  
Secretary Kobach

Although most of the information you've requested is available to the public in Florida, we cannot fully comply with your entire request. Driver's license information and social security numbers are not, and cannot be provided under section 97.0585, Florida Statutes. We will also not release any information that is exempt or confidential under Florida law, including certain information regarding law enforcement officers, judges, prosecutors, and victims of stalking and domestic violence. Additionally, Florida's public record voter database does not capture information on felonies.

We are hopeful that the public information provided, in accordance with Florida law, will be useful to your efforts.

Sincerely,



Ken Detzner  
Florida Secretary of State

**From:** Susan Carleson <Susan.Carleson@theacru.org>

**Sent:** Tuesday, February 05, 2019 1:50 PM EST

**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** H.R. 1 is the Democrat's ultimate fantasy; massive illegal voter registrations uncovered in Texas; Colorado pulls out of the interstate exchange and opts for national popular vote

#### EMAIL RECEIVED FROM EXTERNAL SOURCE

[H.R. 1 is the Democrat's ultimate fantasy](#) and vote fraud is real as the evidence mounts. Massive illegal [voter registrations uncovered in Texas](#), with a county election staffer actually [arrested for vote fraud](#); California officials warned that DMV [voter registration was flawed](#); Connecticut [Democrat party boss charged with ballot fraud](#); while [Pennsylvania fesses up to 11,000 noncitizens registered](#) to vote.

[Colorado pulls out of the interstate exchange](#) and [opts for national popular vote](#); while Governor DeSantis [opposes post-Election Day voting](#) and promises the new [Florida Supreme Court will be less leftwing](#). Things are all tied up after [Kentucky recount](#); while the [motives of its former Secretary of State staff](#) are questioned. [Mississippi is strengthening voter ID](#); and North Carolina finally has a [State Board of Elections](#). Governor Northam loses his fight to [strike down voter ID in Virginia](#); and [Michigan redistricting proposal](#) has been dealt a blow by federal judges.

#### LEAD

#### ACRU Joins Conservatives Opposing H.R. 1, the Ultimate Fantasy of the Left

Conservatives are united in opposing H.R. 1, the attempt by House Democrats to fundamentally undermine the American electoral system. While they cloak the bill in terms of “restoring democracy” and “preventing corruption,” the legislation has one goal: to protect incumbents, at the expense of the First Amendment, federalism, and individual voter integrity. H.R. 1 undermines the First Amendment. H.R. 1 undoes key Supreme Court cases that protect elections as fundamental to free speech. It would allow the Federal Election Commission to track and catalogue more of what Americans are saying, register even very small political donations, and make public those who donate to different charitable and nonprofit organizations. The legislation will subject private citizens to intimidation and harassment for their private and political beliefs, far broader than what was done in the IRS targeting scandal.

#### FEDERAL

#### Conservative Review: Non-Citizens Voting in Our Elections is a Huge Problem

The fact that illegal immigrants are likely voting in our elections is a national emergency in its own right that should demand immediate attention from our political leadership. Over the weekend, the Texas Department of Public Safety released the details of a voter registration analysis showing that 95,000 registered voters are suspected of having registered to vote as non-citizens. They further found that 58,000 of those registered voters cast ballots at least once since 1996. The fact that someone who is applying for the ultimate right of a citizen can merely rely on his driver's license, which was issued upon a showing of immigrant documentation, is a threat to our franchise.

#### Heritage Foundation: What a Registration Surprise in Texas Tells Us About Voter Fraud

The man in charge of elections in Texas made a surprise announcement last week: As many as 95,000 noncitizens had registered to vote, and 58,000 of them may have voted in at least one election between 1996 and 2018. The finding announced by Texas Secretary of State David Whitley is serious. Here's what is actually happening. For nearly a year, Whitley's office has worked to compare the state's voter rolls to data from the Department of Public Safety, with the goal of flagging people who are registered to vote but who also provided DPS with documentation indicating they are not U.S. citizens. Whitley's office cautioned that the matches should be further investigated, and do not automatically trigger cancellation of voter registration.

#### STATES

#### Arizona: AZGOP Audit Says Fontes Actions Questionable, Not Illegal

Preliminary results of an audit commissioned by the Arizona Republican Party concluded that Maricopa County's Democratic recorder didn't violate any laws during the 2018 general election and that two disputed policies he implemented didn't affect the outcomes of any races. Attorney Stephen Richer, who is conducting the audit, Richer wrote that he is still awaiting records from the Maricopa County Recorder's Office and emphasized that the findings are not final. Richer wrote that then-AZGOP Chairman Jonathan Lines commissioned the audit in November 2018 in response to Republican concerns about the party's November losses, which came after Democrats took the lead in several statewide races in the days after Election Day. The audit focused on four issues: Fontes's expansion of pre-election emergency voting, his decision to verify or "cure" early ballots that had problematic signatures after the polls closed on Election Day, allegations of partisanship against Fontes, and several unsubstantiated election fraud allegations. Richer said he "appreciates" that Fontes acknowledged he didn't jump hastily to any conclusions in the audit, but said the findings raised red flags.

### **California: Top Elections Officials Say They Asked Secretary of State Alex Padilla to Hold Off on DMV Roll-Out**

The plan called for the Department of Motor Vehicles to automatically register people who came into its offices, one of several efforts by Democrats controlling California politics to make it easier for more people to vote. With the June 2018 primary approaching, election officials said they warned that the department that manages car registration and boat licenses was not yet prepared to register voters. State Sen. John Moorlach, R-Costa Mesa, thinks the DMV's implementation was flawed, but said Padilla should have taken more personal responsibility. "It's his fault. He should have respected the advice of the experts and implementers." Padilla considered a temporary halt to Motor Voter ahead of the November general election. He briefly asked the DMV and CDT to stop sending voter information to his office, prompting concerns from county clerks. They worried they would wind up with a large backlog of data right before the election. But Padilla ultimately decided to keep the program running with an added layer of review.

### **Colorado: Colorado Senate Passes Bill Favoring Popular Vote Over Electoral College**

The Colorado Senate this week passed a bill that would award the state's electoral votes to the presidential candidate who wins the nationwide popular vote. The Senate passed the measure along party lines in a 19-16 vote Tuesday, sending the bill to the state House for consideration. The bill, known as the national popular vote interstate compact, was sponsored by state Sen. Mike Foote (D), would require Colorado members of the Electoral College to cast their vote for the winner of the national popular vote.

### **Colorado: Colorado Withdraws from Kansas Interstate Voter Registration Crosscheck**

This week, Colorado Secretary of State Jena Griswold formally withdrew the state of Colorado from 'Kansas Crosscheck.' Colorado joined Crosscheck in 2008, under Secretary of State Mike Coffman. Since its inception, the program has been riddled with problems including insufficient data and an inability to guarantee the privacy of Coloradans. In addition, the program has been used as a partisan charade, resulting in the potential disenfranchisement of eligible citizens from the voter rolls. Crosscheck was promoted as a data sharing tool for states to maintain their voter registration rolls. Colorado is a founding member of the Electronic Registration Information Center (ERIC). Unlike Crosscheck, ERIC sends states quality list maintenance data on a near continuous basis. Also, unlike Crosscheck, ERIC exceeds industry standards for data security. Twenty-six states and the District of Columbia are members of ERIC. Secretary Griswold urges Crosscheck to close and for other states to join ERIC.

### **Connecticut: Former Stamford Dem Party Boss Charged with Falsifying Absentee Ballots**

John Mallozzi, the city's former Democratic Party chief, was arrested Wednesday on charges of absentee ballot fraud in the 2015 municipal election. He allegedly forged ballots for relatives, Spanish-speaking residents and Albanian-Americans new to the election system, according to the State's Attorney's Office. Mallozzi was charged with 14 counts each of filing false statements and second-degree forgery. He turned himself in to Stamford police on the charges, both Class D felonies punishable by up to five years in prison and/or a fine of up to \$5,000 per count. Mallozzi, a longtime figure in city politics, chaired the Stamford Democratic City Committee from 2012 to 2016. Investigators with the State's Attorney's Office in Stamford allege that Mallozzi's handwriting matched that of signatures on 14 absentee ballots assigned to voters who said they never requested them.

### **Florida: Suspended Palm Beach Elections Supervisor Resigns**

FL-SOS-19-0410-A000212

A suspended Florida county elections supervisor who failed to meet deadlines during recounts after November's election has resigned. Susan Bucher, a Democrat, sent a letter to the Republican Florida Gov. Ron DeSantis on Friday officially stepping down as Palm Beach County elections supervisor. DeSantis suspended Bucher earlier this month, and the state Senate would have had the final say in whether she should have been permanently removed. DeSantis previously said Bucher violated the law by not completing recounts by a state-mandated deadline. He appointed lawyer Wendy Link to fill the position.

### **Florida: Governor DeSantis Opposes Letting Late Mail Ballots Count**

One of the lawsuits still floating around after the 2018 election seeks to have mail ballots counted up to 10 days after an election if they were mailed before polls closed, but speaking to reporters Wednesday, Governor Ron DeSantis says an election needs to be final on election day. The Governor says he opposes allowing late ballots to count. "When you know that, and we know the finite number of votes it's very difficult to say that someone is manipulating the results because it's there," said DeSantis. "It's only when we don't know how many votes are out there, that people can say Oh, someone just brought a truckload of votes in, so I want to avoid that." Under current law, ballots mailed from overseas by active military can be counted if they are received within 10 days of the election.

### **Kentucky: Kentucky House Race Ends in Tie After Recount: 'Normally, You Don't Count Invalid Ballots'**

A recount in a Kentucky state House race originally won by a Democrat by a single vote has ended in a tie after the local board of elections decided to open and count five absentee ballots that had previously been rejected. It's unclear what comes next. Democrat Jim Glenn defeated former Republican state Rep. DJ Johnson on Election Day by a one-vote margin. Kentucky does not have automatic recounts, and the Kentucky State Board of Elections certified Glenn as the winner. He was sworn in on Jan. 5 and has an office and been assigned to committees. But the Republican-controlled state legislature ordered a recount at Johnson's request, relying on a state law that allows candidates in legislative races to contest election results. Saturday, the Daviess County Clerk's Office recounted more than 12,000 ballots by hand. Glenn emerged from that process ahead by three votes. But after a personal appeal from Johnson, the Daviess County Board of Elections - which consists of two Republicans and two Democrats - voted to give Johnson one of those votes back, putting him down by two. The board then reviewed 17 absentee ballots that they had unanimously rejected on Election Day. This time, the board decided five of those ballots were legal, and opened them. Johnson received three of them, Glenn received one and one ballot was blank. That made the final results a tie, with each candidate receiving 6,323 votes.

### **Kentucky: 'It's Inappropriate.' Staff of Grimes Searched Voting Records of Workers and Rivals**

In an appearance on MSNBC in July 2017, Kentucky Secretary of State Alison Lundergan Grimes expressed her vehement opposition to giving voter data to President Donald Trump's voter fraud commission, which had requested it from election officials in all 50 states. The privacy risks were simply too high, she said. "There is not enough bourbon here in Kentucky to make this request seem sensible," Grimes said. "Not on my watch are we going to be releasing sensitive information that relates to the privacy of individuals." But beginning months before she made that statement, Grimes' own staff had been looking up hundreds of voters in the very same registration system. One of her former staffers first revealed the practice last summer but provided little detail.

### **Mississippi: Proposal Would Make Mississippi Voter ID Law Stricter**

A proposal would set a shorter deadline for Mississippi voters to show photo identification if they forget it on Election Day. Since 2014, the state has required people to show government-issued identification, such as a driver's license, before voting. Anyone who forgets an ID may cast an affidavit ballot at the precinct but must go to a courthouse within five days to show the identification. If they don't show up, their ballot is rejected. Senate Bill 2242 would shorten the five days to three days. Senate Elections Committee Chairman Kevin Blackwell, a Republican from Southaven, said some election commissioners around the state have told him the five-day window slows the process of certifying election results. Danny Klein, chairman of the DeSoto County Elections Commission, said only a few people forget to take their photo identification to the polls each election. Some of those people quickly go to the courthouse to show the ID so their vote will count, but most simply never show back up, he said.

### **North Carolina: New NC Elections Board Named Allowing 9th District Investigation to Proceed**

FL-SOS-19-0410-A000213

After more than a month without a State Board of Elections, Gov. Roy Cooper on Thursday named five people to the reconstituted board. Another meeting will be held next week, at which time members will set a date for a hearing into the ongoing investigation of alleged absentee ballot fraud in the 9th Congressional District race.

### **North Carolina: House Speaker Continues to Back Voter ID Law**

As debate about North Carolina's new voter identification law continues, Cleveland County election officials are awaiting guidance on issuing photo IDs. In November, North Carolina voters approved a constitutional amendment requiring voters to show a photo ID before casting ballots. The North Carolina General Assembly passed the new voter ID law in December. A lawsuit challenging voter ID in North Carolina was filed hours after legislation implementing the constitutional amendment became law. Now, Republican legislators hope to have the lawsuit dismissed. House Speaker Tim Moore, the primary sponsor of the original legislation proposing a voter ID constitutional amendment, said the court should dismiss the latest lawsuit for failure to state a claim. "The people of North Carolina chose to add voter ID to their state constitution, and we will not allow Governor Cooper or these plaintiffs to suppress their voice in the democratic process," Moore said.

### **Pennsylvania: Pennsylvania Admits to 11,000 Noncitizens Registered to Vote**

A top Pennsylvania lawmaker called on the state Wednesday to immediately expunge the names of 11,198 noncitizens whom the state confirmed are registered to vote, despite not being eligible. State Rep. Daryl Metcalfe, a Republican and former chairman of a House government oversight panel, said the administration of Gov. Tom Wolf, a Democrat, belatedly acknowledged the large number of noncitizens in communications over the past two months. "I believe that we need to take action and have those people removed immediately from the rolls," Mr. Metcalfe told The Washington Times. "They were never eligible to vote." Just days earlier, officials in Texas announced they had found nearly 100,000 noncitizens on the state's voter rolls. The numbers, while not yet evidence of massive voter fraud that President Trump said marred the popular vote in the 2016 election, are nonetheless higher than the almost-zero levels of voting mischief that the president's critics have suggested.

### **Texas: Woman Arrested for Voting Using Deceased Person's Identity**

A woman arrested on voter fraud allegations will be prosecuted at the state level. Investigators say Bernice Annette Garza voted in the March 2016 democratic primary election, using a deceased person's identity. They say she used a mail-in ballot in Starr County. Garza has been charged with voter impersonation, illegal voting, and providing false information. The attorney general says Hidalgo County prosecutors will help with the case.

### **Virginia: Governor Northam's Push to Strike Down Voter ID Laws Fails**

In early January, before the start of the 46-day General Assembly session in Richmond, Virginia Governor Ralph Northam (D) announced that he would work with the Democratic Party to repeal the Commonwealth's long-standing law requiring voters to present photo identification at the ballot box. Although Northam and Democrats in the Virginia legislature had high hopes to strike down the law this session, the Republican majority in both the House of Delegates and State Senate blocked the progressive measure. The House Privileges and Elections Committee did not deliberate the bill before Tuesday's crossover, leaving it behind without a chance to be considered again this year. The bill in the upper chamber was "passed indefinitely" by Senate Privileges and Elections Committee, meaning the bill can be considered at the next meeting; however, routinely that does not occur.

## **REDISTRICTING**

### **Florida: Governor DeSantis Promises New SCOFLA Won't Side So Much with Democrats**

Gov. Ron DeSantis told legal conservatives Friday that the Florida Supreme Court too often favors Democrats in rulings including redistricting. But he promised that will now change. Speaking at the annual convention for the Federalist Society, held this year at the Convention Center at Yacht & Beach Club in Lake Buena Vista, the Republican slammed Florida's high court as an activist one. "You have a court that's constantly gone beyond the bounds of what is judicial into the realm of what is really legislative," he said, according to Florida Trend's Jason Garcia. "By the way— is this just a big coincidence?" he said. "Anything that had a political color to it just always happened to be decided in the way of the Democratic Party." He

FL SOS-19-0410-A000214

specifically cited redistricting as a concern.

### **Michigan: Michigan Redistricting Deal Killed by Federal Judges**

A three-judge panel on Friday rejected a proposed deal to redraw at least 11 Michigan House districts for the 2020 election, saying the state's new Democratic secretary of state had no authority to make a pact with fellow Democrats who accused Republicans of crafting unconstitutional maps. The decision means the federal judges will hold a trial, starting Tuesday.

#### **The American Civil Rights Union**

3213 Duke St., #625

Alexandria, VA 22314

<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

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**Subject:** Heritage Foundation Election Briefing for Secretaries of State  
**Location:** 214 Massachusetts Avenue, NE, Washington, D.C. 20002

**Start:** Friday, February 01, 2019 12:00 PM EST  
**End:** Friday, February 01, 2019 5:00 PM EST  
**Show Time As:** Busy

**Recurrence:** None

**Meeting Status:** Not yet responded

**Organizer:** Ertel, Michael C.



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

TO: Michael Ertel

FROM: Hans von Spakovsky, Senior Legal Fellow  
SUBJECT: Heritage Foundation Election Briefing for Secretaries of State  
EVENT DATE: Friday, Feb. 1, 2019 at 12:00 p.m. – 5:00 p.m. (*buffet lunch provided*)

LOCATION: The Heritage Foundation

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State that I will be hosting. The briefing will take place on **Friday, Feb. 1 from 12:00 p.m.-5:00 p.m. at The Heritage Foundation, 214 Massachusetts Avenue, NE, Washington, D.C. 20002.** At the outset of the meeting, we will have a lunch buffet for the Secretaries of State. We will have speakers that include congressional staffers from key Senate and House committees with jurisdiction over election issues.

The roundtable discussion will include proposed election reforms and election security issues, proposed legislation in the new Congress, and on-going and expected litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these election issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,  
Hans von Spakovsky

**From:** von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>  
**Sent:** Wednesday, June 27, 2018 2:00 PM EDT  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**CC:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Snead, Jason <Jason.Snead@heritage.org>  
**Subject:** Heritage Foundation election fraud request

Secretary Detzner—

I was sorry to hear that you are unable to attend The Heritage Foundation's Secretaries of State conference in Philadelphia next month. I hope you will be able to join us for future meetings.

I nevertheless wanted to reach out to see if your office could help us with an ongoing election integrity initiative, Heritage's Voter Fraud Database. The database tracks instances of proven election fraud throughout the United States—cases that have resulted in, for example, a criminal conviction, civil fine, or judicial or official finding that fraud occurred. Users can easily search the database and see how fraud has impacted elections in their own states, making it an important tool to rebut the false narrative the fraud does not exist.

We have 1,132 instances in the database already, including several from Florida. Here is a link to the cases we already have (<https://www.heritage.org/voterfraud/search?state=FL>); if your office is aware of any additional cases we do not have, we would be eager to include them in the database. If someone on your staff tracks this information, I would be happy to discuss this with them.

Please feel free to reach out to me, or contact Jason Snead, a senior policy analyst who manages the database, at [Jason.snead@heritage.org](mailto:Jason.snead@heritage.org)/202.608.6144.

Sincerely,  
Hans von Spakovsky

---

**Hans von Spakovsky**  
*Manager, Election Law Reform Initiative and Senior Legal Fellow*  
*Institute for Constitutional Government*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6207  
[heritage.org](http://heritage.org)

**Swain, Margaret A.**

---

**From:** Snead, Jason <Jason.Snead@heritage.org>  
**Sent:** Thursday, August 24, 2017 4:52 PM  
**To:** Secretary of State  
**Cc:** Kennedy, Jennifer L.; von Spakovsky, Hans  
**Subject:** Heritage Foundation Election Fraud Request  
**Attachments:** Voter Fraud Database Florida.xlsx

Dear Secretary Detzner—

My name is Jason Snead, and I am a policy analyst in the Edwin Meese III Center for Legal and Judicial Studies at The Heritage Foundation. I work closely with my Meese Center colleague Hans von Spakovsky on the issue of election integrity. One of the Meese Center's top priorities in recent years has been the development of a [Voter Fraud Database](#), which I invite you to view. As of today, the database documents nearly 1,100 proven examples of voter fraud from 47 states. Its primary purpose is to disprove the narrative that election fraud is a nonexistent issue.

We are constantly updating this database as we become aware of cases working their way through the courts. I am reaching out in hopes you may be able to assist Heritage in this effort by sending us details of any civil or criminal cases your office is aware of involving election fraud in your state. I have taken the liberty of attaching an Excel spreadsheet containing cases out of Florida that have already been documented in the database.

I would be happy to discuss this with you, or any member of your staff, at your convenience. Please feel free to respond by email or phone (202.608.6144). Thank you for taking the time to consider this request, and I look forward to hearing from you.

Sincerely,  
Jason Snead

---

**Jason Snead**  
*Policy Analyst*  
*Institute for Constitutional Government*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6144  
[heritage.org](http://heritage.org)

State	Name	Disposition	Outcome	Type of Fraud
Florida	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Florida	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Florida	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Florida	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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Description

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Source 3

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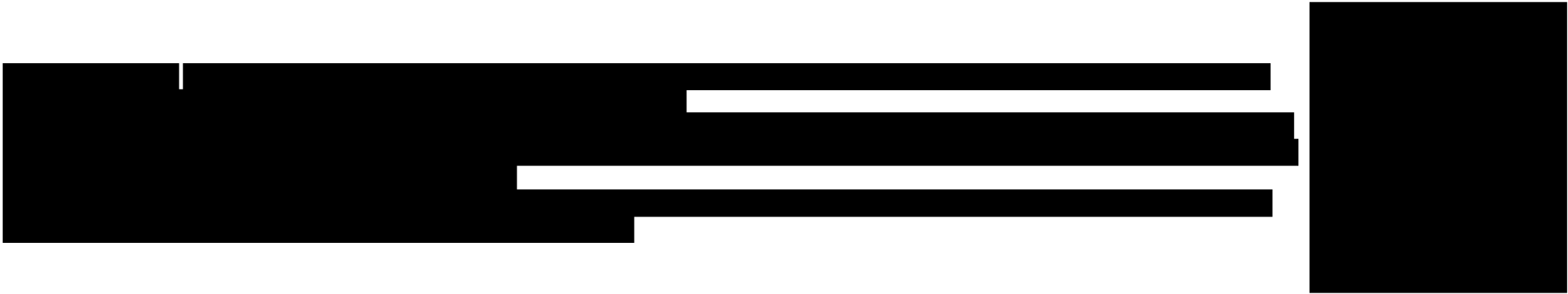
[REDACTED]

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[REDACTED]

[REDACTED]





**From:** DeFonce, Daniel <Daniel.DeFonce@heritage.org>  
**Sent:** Tuesday, January 16, 2018 11:19 AM EST  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State - February 15



## EDWIN MEESE III CENTER FOR LEGAL AND JUDICIAL STUDIES

**TO:** Ken Detzner  
**FROM:** Hans von Spakovsky, Senior Legal Fellow  
**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State  
**EVENT DATE:** February 15, 2018 at 1:00 p.m.– 5:00 p.m. *(followed by a private reception)*

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State, co-hosted by Hans von Spakovsky, Senior Legal Research Fellow in the Meese Legal Center at The Heritage Foundation and Don Palmer, Former Virginia Secretary, State Board of Elections. The briefing will take place on **Thursday, February 15th from 1:00 p.m.-5:00 p.m. at The Heritage Foundation located at 214 Massachusetts Avenue, NE**. Immediately following the meeting, Heritage will host a private reception for the Secretaries of State.

The roundtable discussion will include the following topics: (1) the ramifications of the DHS designation of elections as critical infrastructure on the administration and security of elections in 2018 and 2020; (2) update and discussion on federal legislation impacting the states; (3) an update on voting litigation and legislation; and (4) new technologies and options available to states in the maintenance and security of official voter lists. The purpose of the briefing is to have in-depth discussions of these issues and to share strategy and tactics on achieving long-term goals and objectives shared by the secretaries. We will be sending out a full briefing agenda in the coming weeks.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

---

**Daniel DeFonce**

Research and Administrative Assistant  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

**From:** DeFonce, Daniel <Daniel.DeFonce@heritage.org>  
**Sent:** Thursday, January 10, 2019 3:49 PM EST  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**CC:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

EMAIL RECEIVED FROM EXTERNAL SOURCE



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

**TO:** Michael Ertel  
**FROM:** Hans von Spakovsky, Senior Legal Fellow  
**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State  
**EVENT DATE:** Friday, Feb. 1, 2019 at 12:00 p.m. – 5:00 p.m. *(buffet lunch provided)*  
**LOCATION:** The Heritage Foundation

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State that I will be hosting. The briefing will take place on **Friday, Feb. 1 from 12:00 p.m.-5:00 p.m. at The Heritage Foundation, 214 Massachusetts Avenue, NE, Washington, D.C. 20002.** At the outset of the meeting, we will have a lunch buffet for the Secretaries of State. We will have speakers that include congressional staffers from key Senate and House committees with jurisdiction over election issues.

The roundtable discussion will include proposed election reforms and election security issues, proposed legislation in the new Congress, and on-going and expected litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these election issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

**From:** DeFonce, Daniel <Daniel.DeFonce@heritage.org>

**Sent:** Thursday, May 31, 2018 10:15 AM EDT

**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>

**CC:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>

**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. July 13 (Location: Loews Philadelphia Hotel)



## EDWIN MEESE III CENTER FOR LEGAL AND JUDICIAL STUDIES

**TO:** Ken Detzner

**FROM:** Hans von Spakovsky, Senior Legal Fellow

**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State

**EVENT DATE:** July 13, 2018 at 12:00 p.m. – 5:00 p.m. *(buffet lunch provided)*

**LOCATION:** Loews Philadelphia Hotel

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State, co-hosted by Hans von Spakovsky, Senior Legal Research Fellow in the Meese Legal Center at The Heritage Foundation and Don Palmer, Former Virginia Secretary, State Board of Elections. The briefing will take place on **Friday, July 13th from 12:00 p.m.-5:00 p.m. at Loews Philadelphia Hotel located at 1200 Market St., Philadelphia, PA 19107**. At the outset of the meeting, we will have a lunch buffet for the Secretaries of State.

The roundtable discussion will likely include the following topics: election security, voter ID, redistricting, cyber security, list maintenance, election related legislation and litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries. We will be sending out a full briefing agenda in the coming weeks.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

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**Daniel DeFonce**

Research and Administrative Assistant

The Heritage Foundation

214 Massachusetts Avenue, NE

Washington, DC 20002

202-608-6181

[heritage.org](http://heritage.org)

**From:** McClellan, Leslie <Leslie.McClellan@heritage.org>  
**Sent:** Wednesday, January 18, 2017 9:35 AM EST  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner



## EDWIN MEESE III CENTER FOR LEGAL AND JUDICIAL STUDIES

**TO:** THE HONORABLE KEN DETZNER, SECRETARY OF STATE OF FLORIDA

**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State (February 15) and Private Welcome Dinner (February 14)

**EVENT DATE:** FEBRUARY 14 & 15, 2017

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State, co-hosted by Hans von Spakovsky, Senior Legal Research Fellow in the Meese Legal Center at The Heritage Foundation and Don Palmer, Former Virginia Secretary, State Board of Elections. The briefing will take place on **Wednesday, February 15<sup>th</sup> from 9:00 a.m.-1:00 p.m. (lunch provided) at The Heritage Foundation Annex located at 227 Pennsylvania Ave., SE.** The discussion will center around the 2016 Election, important voting and election issues in 2017, the new Trump Administration, and the new Justice Department and what effect that will have on litigation and issues ranging from voter ID and proof-of-citizenship to maintenance of state voter registration lists and the ramifications of the DHS designation of elections as critical infrastructure. The purpose of the briefing is to have in-depth discussions of these issues and to share strategy and tactics on achieving long-term goals and objectives shared by the secretaries. We will be sending out a full briefing agenda early next week.

**In addition to the briefing on Wednesday, Heritage will also co-host a welcome dinner with the American Civil Rights Union on the evening of Tuesday, February 14 at the Army & Navy Club, 901 17th Street, NW. The reception will begin at 6:30pm followed by dinner at 7:00pm.**

I hope you will be able to join us for both the evening of **Tuesday, February 14, 2017** for the welcome dinner and the morning of **Wednesday, February 15, 2017** for the roundtable briefing. Please RSVP for both events to Leslie McClellan at [leslie.mcclellan@heritage.org](mailto:leslie.mcclellan@heritage.org) or (202) 608-6181.

Sincerely,

Leslie

---

Leslie McClellan  
Research and Administrative Assistant  
Institute for Constitutional Government  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, June 05, 2017 12:17 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** June 5 2017 Voting Integrity Institute Legislative Activity Update  
**Attachment(s):** "June 5 2017 VII Legislative Activity Report.pdf"

Several states have new voter ID laws. Read about them and more in today's Legislative Activity Update.

#### **VOTER ID**

**ARKANSAS:** Governor Asa Hutchinson signed a measure requiring voters to show photo identification before casting a ballot, reinstating a law that was struck down by the state's highest court more than two years ago.

**MISSOURI:** A new photo voter ID law will soon take effect. Back in November, Missourians voted in favor of the measure. Now, that law is set to be implemented this summer.

**TEXAS:** Gov. Greg Abbott signed a new voter ID bill into law that loosens identification requirements from a 2011 law that a federal judge said was enacted by Republicans to intentionally discriminate against minority voters.

#### **EARLY VOTING**

**CONNECTICUT:** The Senate will take up a measure allowing citizens to vote to amend the state constitution to authorize early voting.

#### **FELON VOTING**

**ALABAMA:** A new law clears up voting confusion for 250,000 Alabamians with a felony conviction. Governor Kay Ivey signed a bill that clearly defines which felonies prohibit someone from the ballot box for life.

#### **AUTOMATIC VOTER REGISTRATION**

**ILLINOIS:** The House passed a bill allowing the state to register eligible voters automatically.

**RHODE ISLAND:** Legislation to automatically put anyone who applies for a Rhode Island driver's license on the state's voter rolls unless they opt out cleared the state House of Representatives, despite GOP efforts to block the same practice at other state agencies with troubled computer histories.

#### **VOTE BY MAIL**

**OREGON:** The state's six Democrats in Congress want to spread the state's vote-by-mail law across the country.

#### **STRAIGHT-PARTY VOTING**

**ALABAMA:** Alabama has a new law that prohibits voters from switching their political party allegiance between a primary and subsequent runoff.

**TEXAS:** Governor Abbott signed a law ending straight-party voting, requiring every candidate on state ballots to be chosen individually after the law takes effect Sept. 1, 2020.

#### **NATIONAL POPULAR VOTE INITIATIVE**

**OREGON:** House lawmakers passed legislation on May 24 that would make Oregon award its Electoral College votes only to presidential candidates who win the national popular vote.

#### **ELECTION ADMINISTRATION & RECOUNTS**

**NEW HAMPSHIRE:** House lawmakers are set to vote on a Republican-sponsored bill that would stiffen residency requirements for voters who register in the month before an election.

**MICHIGAN:** The state Senate approved a recount fee hike if an election isn't close.



June 5, 2017

## Legislative Activity

### VOTER ID

**ARKANSAS:** Governor Asa Hutchinson signed a measure sponsored by State Representative Lowery that requires voters to show photo identification before casting a ballot, reinstating a voter ID law that was struck down by the state's highest court more than two years ago. The legislation is one of two efforts by lawmakers to revive the voter ID requirement. Earlier, the legislature voted to place a proposed constitutional amendment imposing the requirement on next year's ballot. The latest version of the requirement allows voters with a photo ID to cast a provisional ballot if they sign a sworn statement confirming their identity. Like the previous law, the new measure requires election officials to provide photo identification to voters free of charge if they don't have any other photo ID. The measure will take effect 90 days after the Legislature formally adjourns, which is expected in May. The legislation can be found below:

<http://www.arkleg.state.ar.us/assembly/2017/2017R/Acts/Act633.pdf>

**MISSOURI:** A new photo voter ID law will soon take effect. Back in November, Missourians voted in favor of the measure. Now, that law is set to be implemented this summer. Under this new constitutional amendment, the state is required to do three things. The first is to pay for non-driver license ID cards so they are free to voters. The state will also provide the documents necessary to get those IDs for free as well. Those documents include: birth certificates, marriage licenses or a divorce decree. The third thing the state must do is advertise the changes and inform everyone of how to obtain the necessary photo identification.

<http://ktvo.com/news/local/missouri-gearing-up-for-voter-id-change>

Missouri Emergency Voter ID Regulations and Rules:

<http://www.sos.mo.gov/adrules/EmergenciesforInternet/emergency>

**TEXAS:** Gov. Greg Abbott signed a new voter ID bill into law on Thursday, loosening identification requirements from a 2011 law that a federal judge said was enacted by Republicans to intentionally discriminate against minority voters, who tend to vote for Democrats. Senate Bill 5 will allow registered voters who lack a photo ID to cast a ballot after showing documents that list their name and address, including a voter registration certificate, utility bill, bank statement, government check or work paycheck. Such voters would have to sign a "declaration of reasonable impediment" stating that they could not acquire a photo ID due to a lack of transportation, lack of a birth certificate, work schedule, disability, illness, family responsibility, or lost or stolen ID. Voters who lie on the declaration could be prosecuted for a state jail felony, with a maximum of two years in jail.

<http://www.statesman.com/news/abbott-signs-voter-end-straight-party-voting-into-law/5vb95W3p0406a5mRgysEyL/>



## EARLY VOTING

**CONNECTICUT:** The state House of Representatives voted on whether to let citizens vote to amend the state constitution to authorize early voting. Now, the Senate will have an opportunity to vote on the issue. <http://www.courant.com/opinion/editorials/hc-ed-early-voting-amendment-0525-20170524-story.html>

## FELON VOTING

**ALABAMA:** A new law clears up voting confusion for 250,000 Alabamians with a felony conviction. Governor Kay Ivey signed a bill that clearly defines which felonies prohibit someone from the ballot box for life. For others, the bill could restore their voting rights, but just how many remains unclear. <http://www.wsfa.com/story/35512463/new-law-clears-up-voting-confusion-for-alabamians-with-a-felony>

## AUTOMATIC VOTER REGISTRATION

**ILLINOIS:** The House passed a bill allowing the state to register eligible voters automatically, the Associated Press (AP) reported. The bill passed in the House 115-0 and is now headed to the Senate to review the changes made since it passed the Senate the first time. SB1933 would automatically register eligible voters if they visit the secretary of state's offices or other state agencies. The bill also allows people to opt out of registering to vote. Illinois Gov. Bruce Rauner vetoed a similar bill that passed both chambers of the legislature in 2016 because it did not go far enough to prevent voter fraud. <http://www.breitbart.com/big-government/2017/05/30/illinois-house-passes-automatic-voter-registration-bill/>

**RHODE ISLAND:** Legislation to automatically put anyone who applies for a Rhode Island driver's license on the state's voter rolls unless they opt out cleared the state House of Representatives, despite GOP efforts to block the same practice at other state agencies with troubled computer histories. But along the way, House Minority Leader Patricia Morgan, R-West Warwick, sought to strip the bill of language allowing any state agencies — other than the Division of Motor Vehicles — to automatically place applicants for unemployment, public assistance and other state benefits on the voter rolls. Her move failed on a 62-to-10 party-line vote. Implicit in her comments was a concern about undocumented immigrants. As written, the voter registration bill specifically exempts an ineligible voter who unwittingly finds himself or herself registered as a Rhode Island voter from criminal responsibility. The exception: "Anyone who knowingly and willfully provides false information pursuant to this section shall be subject to prosecution."

<http://www.providencejournal.com/news/20170531/ri-house-oks-automatic-voter-registration-bill>

## VOTE BY MAIL

**OREGON:** The state's six Democrats in Congress want to spread the state's vote-by-mail law across the country. Both Oregon senators and four U.S. representatives announced the introduction of a bill that would require "every state to provide registered voters the opportunity to vote by mail," according to a statement. The bill summary promises that Congress would cover the postal costs for implementation. <https://www.heraldnet.com/news/new-law-to-incite-proliferation-of-ballot-drop-boxes/>

## STRAIGHT-PARTY VOTING

**ALABAMA:** Alabama has a new law that prohibits voters from switching their political party allegiance between a primary and subsequent runoff. Alabama does not require primary voters to register with a political

party. The crossover voting ban is an attempt to prevent voters of one political party from trying to meddle in another party's runoff – although there is a dispute about how much that actually happens.

[https://www.usnews.com/news/best-states/alabama/articles/2017-05-27/alabama-to-ban-crossover-voting-in-runoffs?src=usn\\_tw](https://www.usnews.com/news/best-states/alabama/articles/2017-05-27/alabama-to-ban-crossover-voting-in-runoffs?src=usn_tw)

**TEXAS:** Governor Abbott signed into law a bill that will end straight-party voting, requiring every candidate on state ballots to be chosen individually after the law takes effect Sept. 1, 2020.

<http://www.statesman.com/news/abbott-signs-voter-end-straight-party-voting-into-law/5vb95W3p0406a5mRgysEyL/>

## NATIONAL POPULAR VOTE INITIATIVE

**OREGON:** House lawmakers passed legislation on May 24 that would make Oregon award its Electoral College votes only to presidential candidates who win the national popular vote. The vote marks the first time that such legislation, already passed by 11 other states, may have a shot at becoming law in Oregon. The Oregon House has passed similar bills before, but they've all been killed in the Senate. Not this time, though: Senate President Peter Courtney, D-Salem, an obstacle to national popular vote bills in the past, said last week that he's open to letting the bill pass his chamber. In opposing the bill, Rep. Carl Wilson, R-Grants Pass, argued against "pure democracy" where the "tyranny of the majority" would rule. Few Americans understand the Electoral College, he said, and the danger of abolishing it.

[http://www.oregonlive.com/politics/index.ssf/2017/05/do\\_away\\_with\\_the\\_electoral\\_col.html](http://www.oregonlive.com/politics/index.ssf/2017/05/do_away_with_the_electoral_col.html)

## ELECTION ADMINISTRATION & RECOUNTS

**NEW HAMPSHIRE:** House lawmakers are set to vote on a Republican-sponsored bill that would stiffen residency requirements for voters who register in the month before an election. Those voters would be required to provide additional documentation to show where they live and that they intend to stay in the state.

<http://nhpr.org/post/election-law-committee-chair-bill-ensures-integrity-nhs-voting-process#stream/0>

**MICHIGAN:** The state Senate approved a recount fee hike if an election isn't close. Legislation advancing in Michigan would double the fee to file recount petitions if a losing candidate is down by more than 5 percentage points.

<https://www.usnews.com/news/best-states/michigan/articles/2017-05-23/senate-votes-to-hike-recount-fees-if-election-is-not-close>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Wednesday, March 29, 2017 1:28 PM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** Legislative Activity Bulletin March 29, 2017  
**Attachment(s):** "VII Legislative Report - 3-29-17.pdf"

The ACRU and Voting Integrity Institute are pleased to [provide the first in a series of](#) Legislative Activity Bulletins [which will be](#) published periodically featuring state legislation that impacts the integrity of our elections.

This [regular](#) legislation update will highlight, among other issues, voter photo ID, citizen verification, automatic voter registration, election day registration, and other key measures that will improve or harm the accuracy of voter registration rolls.

If there's [particular](#) legislation in your state that you want us to highlight, please [notify Don Palmer](#) at the following email:

[lt\\_palmer@hotmail.com](mailto:lt_palmer@hotmail.com)

Susan A. Carleson



March 29, 2017

## Legislative Activity

### Voter ID

**ARKANSAS:** The governor signed a measure March 24 requiring voters to show photo identification before casting a ballot, reinstating a voter ID law that was struck down by the state's highest court more than two years ago. Unlike that measure, the latest version allows voters with a photo ID to cast a provisional ballot if they sign a sworn statement confirming their identity. The legislation is one of two efforts by lawmakers to revive the voter ID requirement. Earlier this month, they voted to put a proposed constitutional amendment imposing the requirement on next year's ballot.

<http://fortune.com/2017/03/25/arkansas-voter-id-law/>

**IOWA:** Voter ID and other election-related reforms advanced through the state Senate, approving GOP changes on March 23 that proponents say will improve election integrity. The Senate approved the House-passed bill on a 26-21 party-line vote.

<http://www.thegazette.com/subject/news/government/iowa-senate-passes-election-law-changes-20170323>

**MISSOURI:** Secretary of State Jay Ashcroft says he feels confident that his office will get \$1.4 million to implement the state's photo ID requirement to vote. He says the legislature and governor agree with that figure.

<http://www.missourinet.com/2017/03/24/missouri-sos-confident-voter-id-funding-request-will-be-honored/>

**NEBRASKA:** Governor Pete Ricketts is supporting a proposed constitutional amendment requiring photo IDs to vote. Bill sponsor Sen. John Murante of Gretna said the photo ID would help an election process he says is under threat from people casting votes illegally. Governor Ricketts told KNEB News the amendment will emphasize to voters, "they can have faith their vote matters and that elections are conducted fairly and freely."

<http://kneb.com/regional-news/ricketts-supports-proposed-voter-id-amendment/>

**NEW HAMPSHIRE:** The state Senate committee voted 3-2 along party lines on March 21 to recommend that the full Senate pass revised legislation to tighten ID requirements for people who register to vote within 30 days of an election or on Election Day. The revisions did nothing to close the wide partisan divide on the voting issue. Committee Republicans said they are trying to tighten the process to be sure that those who vote in New Hampshire actually live in New Hampshire. Democrats insist that the bill is intended to intimidate and discourage new voters.

<http://www.wmur.com/article/divided-senate-panel-narrowly-recommends-passage-for-revised-voting-reform-bill/9165528>

**NORTH DAKOTA:** Lawmakers consider changes to the state's voter ID laws.

<http://www.valleynewslive.com/content/news/Lawmakers-considering-changes-to-the-states-voter-ID-laws-416486963.html>

**OKLAHOMA:** As a court challenge continues, Oklahoma looks to solidify its voter ID law with a constitutional amendment.

<http://oklahomawatch.org/2017/03/23/as-court-challenge-continues-oklahoma-looks-to-solidify-voter-id-law/>

The Oklahoma Senate passed a bill to require a special election on the voter ID constitutional amendment.

[http://webserver1.lsb.state.ok.us/cf\\_pdf/2017-18%20ENGR/SRES/SJR34%20ENGR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20ENGR/SRES/SJR34%20ENGR.PDF)

**TEXAS:** A bill updating Texas' photo voter ID law passed unanimously out of committee following its first public hearing on March 20 and is now headed to the Senate floor. SB 5, authored by State Sen. Joan Huffman (R-Southside Place) and the entire Senate Republican caucus, was reported favorably out of the Senate State Affairs committee on a bipartisan 9-0 vote. The bill modifies SB 14, the state's original voter ID law passed in 2011 and under legal challenge ever since, by incorporating recommended remedies from a 2016 federal court opinion that Huffman says "provided Texas a roadmap" to cure what the court ruled were "discriminatory effects" of SB 14.

[https://empowertexans.com/under-the-dome/texas-voter-id-update-unanimously-passes-senate-committee/?utm\\_source=dlvr.it&utm\\_medium=twitter](https://empowertexans.com/under-the-dome/texas-voter-id-update-unanimously-passes-senate-committee/?utm_source=dlvr.it&utm_medium=twitter)

**WEST VIRGINIA:** The West Virginia House Judiciary Committee sent a bare-bones, edited version of a new voter ID law to the chamber floor on March 23 for consideration by the full West Virginia House of Delegates.

<http://www.wvgazettemail.com/news-politics/20170323/wv-house-committee-sends-watered-down-voter-id-bill-to-floor>

### Automatic Voter Registration

**ILLINOIS:** A Republican files alternative legislation to an automatic voter registration bill.

<http://www.altondailynews.com/news/details.cfm?clientid=17&id=239799#.WNkO8IWcHmJ>

### Citizenship Verification

**TEXAS:** Texas state Sen. Van Taylor sponsors a bill to require verification of citizenship for voter registration.

<http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/SB00136L.pdf#navpanes=0>

### Judicial Elections

**NORTH CAROLINA:** The legislature overrode Governor Roy Cooper's veto of a bill that makes state judicial elections partisan. House Bill 100 (HB100) will make all judicial elections partisan beginning in 2018, marking a return to partisan judicial elections unseen in North Carolina for nearly 20 years. Party primaries will now elect judicial nominees, and their party designations will appear next to the candidates' names on the ballot. Many see this veto override as an effort by the Republican legislature to further restrict the power of the newly-elected Democrat governor to shape state policy. The North Carolina House overrode the veto on March 22 in a 74-44 vote, and the Senate overrode the veto in a 32-15 vote, both nearly exclusively along party lines.

<http://www.jurist.org/paperchase/2017/03/north-carolina-lawmakers-override-veto-to-make-judicial-elections-partisan.php>

### Same-Day Registration

**TENNESSEE:** A Democratic state senator filed a bill to enable Election Day registration.

<http://www.capitol.tn.gov/Bills/110/Bill/HB0954.pdf>

**From:** FN-OVP-Election Integrity Staff <ElectionIntegrityStaff@ovp.eop.gov>

**Sent:** Wednesday, June 28, 2017 4:40 PM EDT

**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>

**Subject:** Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

**Attachment(s):** "PEIC Letter to Florida.pdf"

Please see the attached letter from the Vice Chair of the Presidential Advisory Commission on Election Integrity, Kansas Secretary of State Kris Kobach.

Thank you.

Commission Staff



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## Presidential Advisory Commission on Election Integrity

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June 28, 2017

The Honorable Ken Detzner  
Secretary of State  
R.A. Gray Bldg., 500 S. Bronough, Ste. 100  
Tallahassee, FL 32399

Dear Secretary Detzner,

I serve as the Vice Chair for the Presidential Advisory Commission on Election Integrity (“Commission”), which was formed pursuant to Executive Order 13799 of May 11, 2017. The Commission is charged with studying the registration and voting processes used in federal elections and submitting a report to the President of the United States that identifies laws, rules, policies, activities, strategies, and practices that enhance or undermine the American people’s confidence in the integrity of federal elections processes.

As the Commission begins its work, I invite you to contribute your views and recommendations throughout this process. In particular:

1. What changes, if any, to federal election laws would you recommend to enhance the integrity of federal elections?
2. How can the Commission support state and local election administrators with regard to information technology security and vulnerabilities?
3. What laws, policies, or other issues hinder your ability to ensure the integrity of elections you administer?
4. What evidence or information do you have regarding instances of voter fraud or registration fraud in your state?
5. What convictions for election-related crimes have occurred in your state since the November 2000 federal election?
6. What recommendations do you have for preventing voter intimidation or disenfranchisement?
7. What other issues do you believe the Commission should consider?

In addition, in order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting, I am requesting that you provide to the Commission the publicly-available voter roll data for Florida, including, if publicly available under the laws of your state, the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number



if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

You may submit your responses electronically to [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) or by utilizing the Safe Access File Exchange (“SAFE”), which is a secure FTP site the federal government uses for transferring large data files. You can access the SAFE site at <https://safe.amrdec.army.mil/safe/Welcome.aspx>. We would appreciate a response by July 14, 2017. Please be aware that any documents that are submitted to the full Commission will also be made available to the public. If you have any questions, please contact Commission staff at the same email address.

On behalf of my fellow commissioners, I also want to acknowledge your important leadership role in administering the elections within your state and the importance of state-level authority in our federalist system. It is crucial for the Commission to consider your input as it collects data and identifies areas of opportunity to increase the integrity of our election systems.

I look forward to hearing from you and working with you in the months ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Kobach". The signature is fluid and cursive, with the first name "Kris" and last name "Kobach" clearly distinguishable.

Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** FN-OVP-Election Integrity Staff <ElectionIntegrityStaff@ovp.eop.gov>

**Sent:** Wednesday, July 26, 2017 5:48 PM EDT

**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>

**Subject:** Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

**Attachment(s):** "July 26, 2017 Letter from Vice Chair Kris Kobach to Florida.pdf"

Please see the attached letter from Vice Chair Kris Kobach of the Presidential Advisory Commission on Election Integrity.



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## Presidential Advisory Commission on Election Integrity

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July 26, 2017

Office of the Secretary of State of Florida  
The Honorable Ken Detzner, Secretary of State  
R.A. Gray Bldg., 500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Detzner,

In my capacity as Vice Chair of the Presidential Advisory Commission on Election Integrity, I wrote to you on June 28, 2017, to request publicly available voter registration records. On July 10, 2017, the Commission staff requested that you delay submitting any records until the U.S. District Court for the District of Columbia ruled on a motion from the Electronic Privacy Information Center that sought to prevent the Commission from receiving the records. On July 24, 2017, the court denied that motion. In light of that decision in the Commission's favor, I write to renew the June 28 request, as well as to answer questions some States raised about the request's scope and the Commission's intent regarding its use of the registration records. I appreciate the cooperation of chief election officials from more than 30 States who have already responded to the June 28 request and either agreed to provide these publicly available records, or are currently evaluating what specific records they may provide in accordance with their State laws.

Like you, I serve as the chief election official of my State. And like you, ensuring the privacy and security of any non-public voter information is a high priority. My June 28 letter only requested information that is already available to the public under the laws of your State, which is information that States regularly provide to political candidates, journalists, and other interested members of the public. As you know, federal law requires the States to maintain certain voter registration information and make it available to the public pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The Commission recognizes that State laws differ regarding what specific voter registration information is publicly available.

I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit. Individuals' voter registration records will be kept confidential and secure throughout the duration of the Commission's existence. Once the Commission's analysis is

complete, the Commission will dispose of the data as permitted by federal law. The only information that will be made public are statistical conclusions drawn from the data, other general observations that may be drawn from the data, and any correspondence that you may send to the Commission in response to the narrative questions enumerated in the June 28 letter. Let me be clear, the Commission will not release any personally identifiable information from voter registration records to the public.

In addition, to address issues raised in recent litigation regarding the data transfer portal, the Commission is offering a new tool for you to transmit data directly to the White House computer system. To securely submit your State's data, please have a member of your staff contact Ron Williams on the Commission's staff at [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) and provide his or her contact information. Commission staff will then reach out to your point of contact to provide detailed instructions for submitting the data securely.

The Commission will approach all of its work without preconceived conclusions or prejudgments. The Members of this bipartisan Commission are interested in gathering facts and going where those facts lead. We take seriously the Commission's mission pursuant to Executive Order 13799 to identify those laws, rules, policies, activities, strategies, and practices that either enhance or undermine the integrity of elections processes. I look forward to working with you in the months ahead to advance those objectives.

Sincerely,



Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** Eric Lee <elee@JUDICIALWATCH.ORG>

**Sent:** Tuesday, April 11, 2017 3:27 PM EDT

**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>

**CC:** Robert Popper <rpopper@JUDICIALWATCH.ORG>; DivElections <DivElections@DOS.MyFlorida.com>; Chambless, Chris H. <cchambless@clayelections.com>; Lenhart, Kaiti <klenhart@flaglerelections.com>; McGirr, Louise <lmcgirr@co.okaloosa.fl.us>; soe@voteosceola.com <soe@voteosceola.com>; Villane, Tappie Ann <villane@santarosa.fl.gov>; soe2@votesjc.com <soe2@votesjc.com>

**Subject:** National Voter Registration Act Section 8 Violation Letter

**Attachment(s):** "Florida NVRA Section 8 Violation Letter.pdf"

Dear Secretary Detzner:

Attached please find a letter concerning violations of the National Voter Registration Act.

Thank you,

Eric

Eric Lee | Attorney

**Judicial Watch, Inc.**

425 Third Street, SW | Suite 800

Washington, DC 20024

Tel: (202) 646-5172 | E: [elee@judicialwatch.org](mailto:elee@judicialwatch.org)

Website: [www.judicialwatch.org](http://www.judicialwatch.org)



**Judicial  
Watch®**  
*Because no one  
is above the law!*

April 11, 2017

*VIA USPS CERTIFIED MAIL AND EMAIL*

The Honorable Ken Detzner  
Office of the Florida Secretary of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

**Re: Violations of Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507**

Dear Secretary Detzner:

We write to bring your attention to possible violations of Section 8 of the National Voter Registration Act (“NVRA”) in Florida. From public records obtained, six counties in Florida have more total registered voters than adult citizens over the age of 18 as calculated by the U.S. Census Bureau’s 2011-2015 American Community Survey. This is strong circumstantial evidence that these counties are not conducting reasonable voter registration record maintenance as mandated under the NVRA.

NVRA Section 8 requires states to do reasonable list maintenance so as to maintain accurate lists of eligible voters for use in conducting federal elections.<sup>1</sup> As you may know, Congress enacted Section 8 of the NVRA to protect the integrity of the electoral process. Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the legitimacy of elections. As the U.S. Supreme Court has stated, “[P]ublic confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process.”<sup>2</sup>

This letter serves as statutory notice that Judicial Watch will bring a lawsuit against your office if you do not take specific actions to correct these violations of Section 8 within 90 days. In addition, by this letter we are asking you to produce certain records to us which you are required to make available under Section 8(i) of the NVRA.<sup>3</sup> We hope that litigation will not be necessary to enforce either of these claims.

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<sup>1</sup> In Florida, responsibility to coordinate statewide NVRA Section 8 compliance lies with the Secretary of State’s Office. See Fla. Stat. § 97.012; 52 U.S.C. § 20509.

<sup>2</sup> *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008).

<sup>3</sup> 52 U.S.C. § 20507(i).

Judicial Watch is a non-profit organization that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. As part of its mission, Judicial Watch is committed to the private enforcement of the NVRA, and we regularly commence and litigate NVRA lawsuits. See *Judicial Watch and True the Vote v. Husted*, Civil Action No. 2:12-cv-00792 (S.D. Oh.); *Judicial Watch, et. al v. King*, Case No. 1:12-cv-00800 (S.D. Ind.).

As the top election official in Florida, it is your responsibility under federal law to coordinate Florida's statewide effort to conduct a program that reasonably ensures the lists of eligible voters are accurate. The following information explains how we determined that your state is in violation of NVRA Section 8 and the remedial steps you now must take to comply with the law.

**1. Six Counties Have More Total Registered Voters Than Citizen Voting Age Population.**

Based on our review of 2014 Election Assistance Commission (EAC) data, the 2011-2015 U.S. Census Bureau's American Community Survey, and the November 2014 and 2016 active and inactive voter registration records, Florida is failing to comply with the voter registration list maintenance requirements of Section 8 of the NVRA. For example, a comparison of the five-year American Community Survey conducted by the U.S. Census Bureau and 2014 EAC data shows there were more total registered voters than there were adult citizens over the age of 18 living in each of the following six counties: Clay (registration rate 101%), Flagler (106%), Okaloosa (100%), Osceola (106%), Santa Rosa (108%), and St. Johns (114%).

This situation in Florida has, if anything, gotten worse since the publication of that report. A comparison of the November 2016 total voter registration records of these six counties obtained from your website with the 2011-2015 U.S. Census Bureau's American Community Survey data shows that this trend has either stayed constant or has increased. The data shows that five of the six counties have more total voter registrants than citizens eligible to vote, even accounting for the U.S. Census Bureau's margin of error.

Your failure to maintain accurate, up-to-date voter registration lists has created the risk that the 2018 federal elections will lack the integrity required by federal law and by the expectations of Florida citizens, and will therefore undermine public confidence in the electoral process.

**2. The NVRA Requires You to Undertake Reasonable Efforts to Maintain Accurate Lists of Eligible Registered Voters**

Under Section 8 of the NVRA, Florida is required to undertake a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act of 1965.<sup>4</sup> Specifically, Section 8 requires states to make a reasonable effort to

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<sup>4</sup> 52 U.S.C. § 20507(b)(1).



remove the names of ineligible voters from the official lists of eligible voters due to (A) “the death of the registrant” or (B) “a change in the residence of the registrant” to a place outside the jurisdiction in which he or she is registered.<sup>5</sup> Section 8 also requires states to ensure noncitizens are not registered to vote.<sup>6</sup>

The list maintenance obligations of Section 8 of the NVRA were elaborated upon by the Help America Vote Act (“HAVA”), which requires states to “ensure that voter registration records in the State are accurate and updated regularly” and undertake a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.”<sup>7</sup> HAVA also requires each state to coordinate its computerized statewide voter registration list with state agency death records.<sup>8</sup> Finally, HAVA requires all states to remove convicted felons from the voter rolls if felons cannot vote under state law.<sup>9</sup>

As the chief state election official for Florida, you are required to lead and direct voter list maintenance efforts in your state, and you must conduct an active oversight program to monitor local county election officials’ list maintenance activities.<sup>10</sup> If your oversight reveals that counties have failed to adequately execute list maintenance tasks, you must either change the state’s program to ensure county compliance, or assume direct responsibility over the failing counties’ list maintenance tasks.<sup>11</sup>

### **3. Failure to Comply with NVRA Subjects You to Lawsuits and Financial Costs**

In passing the NVRA, Congress authorized a private right of action to enforce the provisions of the NVRA, including Section 8. Accordingly, Judicial Watch and others may bring a lawsuit against you under the NVRA if you fail to correct these violations within 90 days of your receipt of this letter.<sup>12</sup> You are receiving this letter because you are the designated chief state election official under the NVRA.

Congress also authorized awards of attorney’s fees, including litigation expenses and costs, to the prevailing party.<sup>13</sup> Consequently, if we initiate a lawsuit under the NVRA and the

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<sup>5</sup> 52 U.S.C. § 20507(a)(4).

<sup>6</sup> *U.S. v. Florida*, 870 F. Supp. 2d 1346, 1351 (N.D. Fla. 2012) (“For noncitizens, the state’s duty is to maintain an accurate voting list . . . A state can and should . . . block[] a noncitizen from registering in the first place”).

<sup>7</sup> 52 U.S.C. §§ 21083(a)(4) and 21083(a)(4)(A).

<sup>8</sup> 52 U.S.C. § 21083(a)(2)(A)(ii)(II).

<sup>9</sup> 52 U.S.C. § 21083(a)(2)(A)(ii) and (ii)(I).

<sup>10</sup> *U.S. v. Missouri*, 535 F.3d 844, 850-851 (8th Cir. 2008).

<sup>11</sup> *U.S. v. Missouri*, 535 F.3d 844, 851 (8th Cir. 2008).

<sup>12</sup> 52 U.S.C. § 20510(b)(2).

<sup>13</sup> 52 U.S.C. § 20510(c).

court finds you in violation, you will be responsible for paying our attorneys' fees, costs, and litigation expenses.

#### **4. Avoiding Litigation**

In order to avoid litigation, we hope you will promptly initiate efforts to comply with Section 8 so that no lawsuit will be necessary. We ask you to please respond to this letter in writing no later than 45 days from today informing us of the compliance steps you are taking. Specifically, we ask you to: (1) conduct or implement a systematic, uniform, nondiscriminatory program to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of a change in residence; and (2) conduct or implement additional routine measures to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of death, change in residence, or a disqualifying criminal conviction, and to remove noncitizens who have registered to vote unlawfully.

When you respond to this letter, please identify all the steps you are taking or plan to take in detail, and advise us of the results of those efforts or the target implementation date for each activity or program you will be undertaking. If you plan to begin taking new steps in 2017 to comply with your obligations, please outline them to us in your response, providing specific dates for completion of each activity. In order to avoid litigation, we may seek certain reasonable assurances that Florida will affirmatively undertake the steps outlined, up to and including the execution of a settlement agreement between you and Judicial Watch. You may wish to consult Judicial Watch's recent settlement agreement with the State of Ohio for examples of certain activities which tend to show compliance with NVRA Section 8.<sup>14</sup> You should also evaluate whether your office is communicating and coordinating effectively for list maintenance purposes with the various federal, state, and local entities listed immediately below in Section 5 of this letter.

#### **5. Production of Records**

Finally, pursuant to your obligations under the NVRA,<sup>15</sup> please make available to us all pertinent records concerning "the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Florida's official eligible voter lists during the past 2 years. Please include these records with your response to this letter. These records should include, but are not limited to:

1. Copies of the most recent voter registration database from each Florida county and city mentioned in this letter, including fields indicating name, date of birth, home address, most recent voter activity, and active or inactive status.

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<sup>14</sup> A copy of the Settlement Agreement between Judicial Watch and Ohio is available at <http://www.judicialwatch.org/wp-content/uploads/2014/01/01-14-Ohio-Voter-Rolls-Settlement.pdf>.

<sup>15</sup> 52 U.S.C. § 20507(i).

2. Copies of all email or other communications internal to the office of the Florida Secretary of State, including any of its divisions, bureaus, offices, third party agents, or contractors, (hereinafter, collectively "Secretary's Office") relating to the maintenance of accurate and current voter rolls.
3. Copies of all email or other communications between the Secretary's Office and all Florida County Voter Registration Officials concerning:
  - a. Instructions to the counties concerning their general list maintenance practices and obligations;
  - b. Instructions to the counties for the removal of specific noncitizens and deceased, relocated, or convicted persons identified by the Secretary's Office; and
  - c. Notices to the counties concerning any failure to comply with their voter list maintenance obligations under Florida's program.
4. Copies of all email or other communications between the Secretary's Office and the Florida State Department of Health, the Florida State Department of Corrections, the Florida Department of Motor Vehicles, and the Florida State Judiciary concerning obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida's voter registration lists.
5. Copies of all email or other communications between the Secretary's Office and the U.S. Attorney(s) for Florida, the U.S. District Court for Florida, the U.S. Social Security Administration, the U.S. Postal Service, the U.S. Citizenship and Immigration Services, and the U.S. Department of Homeland Security concerning the National Change of Address database, the Systematic Alien Verification for Entitlements database, or any other means of obtaining information about deceased, relocated, convicted, or noncitizen registered voters for the purpose of updating Florida's voter registration lists.
6. Copies of all email or other communications between the Secretary's Office and the Interstate Voter Registration Cross-Check Program, the Electronic Registration Information Center, the National Association for Public Health Statistics and Information Systems, and any other U.S. State concerning obtaining information about deceased or relocated registered voters for the purpose of updating Florida's voter registration lists.

If you do not produce these records within 45 days, or if you fail to otherwise advise us that you are making them available to us at specified times and locations, you will be deemed to be in violation of the NVRA and subject to litigation.

\* \* \* \* \*

We hope our concerns can be resolved amicably. However, if we believe you do not intend to correct the above-identified problems, a federal lawsuit seeking declaratory and injunctive relief against you may be necessary. We look forward to receiving your prompt response.

Sincerely,

**JUDICIAL WATCH, INC.**



Thomas J. Fitton  
President

By: U.S. Postal Service Certified Mail and Email

cc: Robert D. Popper, Esq., Judicial Watch; Chris H. Chambless, Clay County Supervisor of Elections; Kaiti Lenhart, Flagler County Supervisor of Elections; Louise McGirr, Okaloosa County Voter Registration Manager; Rosa Cruz, Osceola County Voter Registration Manager; Tappie A. Villane, Santa Rosa County Supervisor of Elections; Vicky Oakes, St. Johns County Supervisor of Elections

**From:** Fugett, David A. <David.Fugett@dos.myflorida.com>

**Sent:** Friday, May 26, 2017 3:54 PM EDT

**To:** Robert Popper <rpopper@JUDICIALWATCH.ORG>; info@judicialwatch.org <info@judicialwatch.org>

**CC:** Jones, Jordan <Jordan.Jones@dos.myflorida.com>; Atkinson, Lydia <Lydia.Atkinson@dos.myflorida.com>; Black, Ashley M. <Ashley.Black@dos.myflorida.com>

**Subject:** NVRA

**Attachment(s):** "Executed Response to Judicial Watch NVRA letter.pdf"

Mr. Fitton:

Attached please find our response to your April 11, 2017, correspondence, re: alleged violations of Section 8 of the National Voter Registration Act.

Please do not hesitate to contact me directly if you have any questions or need additional information.

Thank you very much.

*David A. Fugett*

**General Counsel**

**FLORIDA DEPARTMENT OF STATE**

R.A. Gray Building, Suite 100

500 South Bronough Street

Tallahassee, Florida 32399-0250

Office: (850) 245-6511

Facsimile: (850) 245-6127

[David.Fugett@dos.myflorida.com](mailto:David.Fugett@dos.myflorida.com)

[www.dos.myflorida.com](http://www.dos.myflorida.com)

Note: This response is provided for reference only and does not constitute a formal legal opinion or representation from the sender or the Department of State. Parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before relying upon the information provided.

In addition, Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records. Public records are available to the public and media upon request, unless the information is subject to a specific statutory exemption. Therefore, any information that you send to this address, including your contact information, may be subject to public disclosure.

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

### VIA USPS CERTIFIED MAIL AND EMAIL

May 26, 2017

Thomas Fitton, President  
Judicial Watch  
425 Third Street Southwest, Suite 800  
Washington, DC 20024

Dear Mr. Fitton:

I am responding on behalf of Secretary Ken Detzner to the letter from Judicial Watch directed to the Secretary regarding your questions into Florida's compliance with the National Voter Registration Act and requests for records.

Please be assured that Florida complies with Section 8 of the National Voter Registration Act, which provides requirements with respect to the administration of voter registration and maintenance. *See* 52 U.S.C. § 20507. Florida law also requires that certain measures be taken to ensure voter registration rolls are accurate. *See, e.g.*, §§ 98.065, 98.075, Fla. Stat.

Your letter alleges that six Florida counties have more total registered voters than they have voting age citizens; and that this allegation, standing alone, proves that Florida is not in compliance with federal law. Your allegation, in turn, is supported by a general reference to the "November 2016 total voter registration records" of six counties and a comparison of this information to "2011-2015 U.S. Census Bureau" data.

We have some concerns as to the methodology that forms the basis of the conclusions cited in your letter. First, it is unclear whether the data supporting your allegation is valid. The data sets you cite are vague, and the years of the two data sets do not match (one being from 2016, and the other being Census Bureau data from 2011 through 2015).

Second, it appears the data you have relied upon may not take into account certain voting populations in the counties to which you refer. It is possible that a county can have military voters registered there who are not actually physically present in the county, but who are stationed stateside or overseas. The same can be true for non-military overseas voters or other

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FL-SOS-19-0410-A000254



types of “nontraditional” voters (such as those who live on boats or recreational vehicles). Indeed, there are many scenarios where a person can be a registered voter in a Florida county without being physically present in that county (or even the state). *See, e.g.,* 52 U.S.C. § 20302 (requiring states to “permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot . . .”); § 97.021(24), Fla. Stat. (defining “overseas voter”); § 101.045, Fla. Stat. (a person temporarily residing outside the county “shall be registered in the precinct in which the main office of the supervisor . . . is located when the person has no permanent address in the county and it is the person’s intention to remain a resident of Florida . . .”).

Thus, it appears your allegations may be based on data that overlooks certain voters who are legally registered to vote in Florida even though they are not physically present in Florida. In any event, it is our belief that the data underlying the conclusions in your letter does not support or demonstrate that Florida is failing to comply with federal or state law.

Your letter also advises the Secretary that “[t]he NVRA requires you to undertake reasonable efforts to maintain accurate lists of eligible registered voters.” This is precisely what the Secretary has been doing and will continue to do. Both federal and Florida law require as much, and Florida has excellent processes to ensure that the voter rolls are accurate, while also ensuring that no one is unfairly disenfranchised or denied due process.

The National Voter Registration Act (“NVRA”) requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters . . . .” *See* 52 U.S.C. § 20507(a)(4). Florida law also requires specific procedures to ensure that the voter rolls are accurate. *See* §§ 98.065, 98.075, Fla. Stat.

Along these lines, and to help you better understand the ongoing efforts being taken by the Secretary and the county supervisors of elections in this regard, I enclose the following statutes and administrative rules:

- **Section 98.065, Florida Statutes**, which requires each county supervisor of elections to conduct a list maintenance program at regular intervals. This statute provides detailed instructions relating to how the program must be implemented in order to ensure legality.
- **Section 98.075, Florida Statutes**, which requires the Department of State to actively identify the following: duplicate registrations, deceased persons, persons who have been adjudicated mentally incapacitated, felons, and other persons who are ineligible for other reasons (such as listing a residence that is not his or her legal residence). The Department forwards such information to the appropriate county supervisor of elections if removal is warranted.<sup>1</sup> This statute also provides detailed procedures for the supervisor of elections to use in the removal process, including notification to the potentially ineligible person and holding hearings prior to removal.

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<sup>1</sup> Under Florida law, only a county supervisor of elections may remove a voter from the rolls. The Secretary of State has no authority to do so. *See* §§ 98.075(7), 98.0755, Fla. Stat.



- **Section 98.0755, Florida Statutes**, which provides a method to appeal a supervisor's determination that a voter is ineligible.
- **Section 98.093, Florida Statutes**, which requires other Florida governmental entities, such as the Florida Department of Health, the clerks of the circuit courts, the Florida Department of Law Enforcement, and the Florida Commission on Offender Review, to provide information to ensure the proper maintenance of the voter rolls.
- **Rule 1S-2.041, Florida Administrative Code**, which provides detailed procedures for maintaining current and accurate addresses of legal residence for registered voters, and for identifying and removing ineligible registered voters. The rule requires each county supervisor of elections to "certify twice annually that he or she has conducted address list maintenance activities in accordance with law and this rule"; and to "certify twice annually that he or she has conducted eligibility records maintenance activities pursuant to law and this subsection." Rule 1S-2.041(3), (4), F.A.C. Sample forms for such reporting are incorporated by reference in the rule.

The Secretary of State takes these laws, and his role in implementing them, very seriously. In accordance with federal and state law, both the Secretary of State and the supervisors of elections have roles in maintaining the accuracy of Florida's voter rolls. If you wish to discuss any of these processes in greater detail, please feel free to call us.

Finally, the Department of State acknowledges your records requests, which you make pursuant to 52 U.S.C. § 20507(i). Our response to your initial request is being sent to your attention under separate cover. As discussed in our earlier phone conversation with your office, we will continue to be in touch to ensure that you have all of the documents to which you are entitled under the law.

The Secretary looks forward to continuing to ensure that Florida is in full compliance with both federal and state law.

Respectfully,

David A. Fugett  
General Counsel  
DAF/ab

**From:** Kennedy, Jennifer L.  
**Sent:** Thursday, January 19, 2017 3:07 PM EST  
**To:** McClellan, Leslie <Leslie.McClellan@heritage.org>  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner

Hi Leslie,

Secretary Detzner will not attend the reception or the briefing.

Thank you.

---

**From:** McClellan, Leslie [mailto:Leslie.McClellan@heritage.org]  
**Sent:** Wednesday, January 18, 2017 9:35 AM  
**To:** Secretary of State; Kennedy, Jennifer L.  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner  
**Importance:** High



## EDWIN MEESE III CENTER FOR LEGAL AND JUDICIAL STUDIES

**TO:** THE HONORABLE KEN DETZNER, SECRETARY OF STATE OF FLORIDA

**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State (February 15) and Private Welcome Dinner (February 14)

**EVENT DATE:** FEBRUARY 14 & 15, 2017

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State, co-hosted by Hans von Spakovsky, Senior Legal Research Fellow in the Meese Legal Center at The Heritage Foundation and Don Palmer, Former Virginia Secretary, State Board of Elections. The briefing will take place on **Wednesday, February 15<sup>th</sup> from 9:00 a.m.-1:00 p.m. (lunch provided) at The Heritage Foundation Annex located at 227 Pennsylvania Ave., SE.** The discussion will center around the 2016 Election, important voting and election issues in 2017, the new Trump Administration, and the new Justice Department and what effect that will have on litigation and issues ranging from voter ID and proof-of-citizenship to maintenance of state voter registration lists and the ramifications of the DHS designation of elections as critical infrastructure. The purpose of the briefing is to have in-depth discussions of these issues and to share strategy and tactics on achieving long-term goals and objectives shared by the secretaries. We will be sending out a full briefing agenda early next week.

**In addition to the briefing on Wednesday, Heritage will also co-host a welcome dinner with the American Civil Rights Union on the evening of Tuesday, February 14 at the Army & Navy Club, 901 17th Street, NW. The reception will begin at 6:30pm followed by dinner at 7:00pm.**

I hope you will be able to join us for both the evening of **Tuesday, February 14, 2017** for the welcome dinner and the morning of **Wednesday, February 15, 2017** for the roundtable briefing. Please RSVP for both events to Leslie McClellan at [leslie.mcclellan@heritage.org](mailto:leslie.mcclellan@heritage.org) or (202) 608-6181.

Sincerely,

Leslie

---

**Leslie McClellan**  
*Research and Administrative Assistant*  
*Institute for Constitutional Government*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

**From:** DeFonce, Daniel <Daniel.DeFonce@heritage.org>  
**Sent:** Wednesday, January 23, 2019 9:54 AM EST  
**To:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>  
**CC:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good morning,

I am following up on the below invitation to Secretary Ertel from Hans von Spakovsky regarding our Secretaries of State Election Briefing next Friday the 1<sup>st</sup>.

We are honored to have former Attorney General Ed Meese III join us for the briefing, and we hope that the Secretary can attend as well.

Sincerely,  
Daniel

---

**Daniel DeFonce**

Research and Administrative Assistant  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

---

**From:** DeFonce, Daniel  
**Sent:** Thursday, January 10, 2019 3:49 PM  
**To:** 'secretaryofstate@dos.myflorida.com' <secretaryofstate@dos.myflorida.com>  
**Cc:** 'Jennifer.Kennedy@DOS.MyFlorida.com' <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** @s @f Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

**TO:** Michael Ertel  
**FROM:** Hans von Spakovsky, Senior Legal Fellow  
**SUBJECT:** Heritage Foundation Election Briefing for Secretaries of State  
**EVENT DATE:** Friday, Feb. 1, 2019 at 12:00 p.m. – 5:00 p.m. (*buffet lunch provided*)  
**LOCATION:** The Heritage Foundation

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State that I will be hosting. The briefing will take place on **Friday, Feb. 1 from 12:00 p.m.-5:00 p.m. at The Heritage Foundation, 214 Massachusetts Avenue, NE, Washington, D.C. 20002**. At the outset of the meeting, we will have a lunch buffet for the Secretaries of State. We will have speakers that include congressional staffers from key Senate and House committees with jurisdiction over election issues.

The roundtable discussion will include proposed election reforms and election security issues, proposed legislation in the new Congress, and on-going and expected litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these election issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries.

Please RSVP to Daniel DeFonce at [daniel.defonce@heritage.org](mailto:daniel.defonce@heritage.org) or (202) 608-6181.

Best,

Hans von Spakovsky

**From:** McClellan, Leslie <Leslie.McClellan@heritage.org>  
**Sent:** Thursday, January 19, 2017 3:19 PM EST  
**To:** Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner

Hi Jennifer,

Thank you for letting me know!

Best Regards,  
Leslie

---

**Leslie McClellan**  
*Research and Administrative Assistant*  
*Institute for Constitutional Government*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

---

**From:** Kennedy, Jennifer L. [mailto:Jennifer.Kennedy@DOS.MyFlorida.com]  
**Sent:** Thursday, January 19, 2017 3:07 PM  
**To:** McClellan, Leslie  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner

Hi Leslie,

Secretary Detzner will not attend the reception or the briefing.

Thank you.

---

**From:** McClellan, Leslie [mailto:Leslie.McClellan@heritage.org]  
**Sent:** Wednesday, January 18, 2017 9:35 AM  
**To:** Secretary of State; Kennedy, Jennifer L.  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner  
**Importance:** High



## EDWIN MEESE III CENTER FOR LEGAL AND JUDICIAL STUDIES

**TO:** THE HONORABLE KEN DETZNER, SECRETARY OF STATE OF FLORIDA

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Sincerely,

Leslie

---

**Leslie McClellan**

*Research and Administrative Assistant*  
*Institute for Constitutional Government*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

The Department of State is committed to excellence.  
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**From:** Kennedy, Jennifer L.  
**Sent:** Thursday, January 19, 2017 3:07 PM EST  
**To:** McClellan, Leslie <Leslie.McClellan@heritage.org>  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner

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Thank you.

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**From:** McClellan, Leslie [mailto:Leslie.McClellan@heritage.org]  
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**To:** Secretary of State; Kennedy, Jennifer L.  
**Subject:** Invitation to Heritage Foundation Election Briefing for Secretaries of State and Private Welcome Dinner  
**Importance:** High



## EDWIN MEESE III CENTER FOR LEGAL AND JUDICIAL STUDIES

**TO:** THE HONORABLE KEN DETZNER, SECRETARY OF STATE OF FLORIDA

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Sincerely,

Leslie

---

**Leslie McClellan**  
*Research and Administrative Assistant*  
*Institute for Constitutional Government*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

**From:** Secretary of State  
**Sent:** Thursday, July 06, 2017 4:10 PM EDT  
**To:** ElectionIntegrityStaff@ovp.eop.gov <ElectionIntegrityStaff@ovp.eop.gov>  
**Subject:** RE: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity  
**Attachment(s):** "DOS Letter to Presidential Advisory Commission on Election Integrity.pdf"

Please see attached letter for the Secretary of State Ken Detzner...

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]

Sent: Wednesday, June 28, 2017 4:41 PM

To: Secretary of State

Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from the Vice Chair of the Presidential Advisory Commission on Election Integrity, Kansas Secretary of State Kris Kobach.

Thank you.

Commission Staff

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 6, 2017

The Honorable Kris W. Kobach  
Secretary of State  
Memorial Hall, 1<sup>st</sup> Floor  
120 SW 10<sup>th</sup> Avenue  
Topeka, KS 66612-1594

Dear Secretary Kobach,

The right to vote is one of the most sacred rights available in the democratic process. Any efforts to dilute its importance cannot be taken lightly. As you know, people have died for the right to vote and we must ensure we preserve it. Of course, the responsibility for the accuracy and fairness of our election process in Florida lies on us, not with the federal government in Washington.

As Governor Scott often says, in Florida, our goal for each election is to have 100 percent participation of eligible voters with zero fraud. We take this mission extremely seriously and work each day to ensure that Floridians can participate in fair, honest elections. In fact, in 2016, we are proud that Florida had record turnout and a smooth, secure election which reflected the will of the people of Florida.

The Department of State constantly works with Florida's 67 independent Supervisors of Elections to increase access to voting for Floridians. This includes legislation in 2013 that gave Supervisors of Elections more flexibility in setting early voting hours and locations to fit their communities' needs and limiting the length of ballots in Florida to help prevent long lines at the polls.

On June 28, 2017, you requested certain voter roll information, much of which is publicly available to you under the Florida Public Records Law, Chapter 119 of Florida Statute. In fact, each year, our office already fulfills hundreds of public records requests for some of the same information that you have requested. We are glad to continue following Florida's Public Records Law by providing the requested information to you that is publicly available.

Page 2  
Secretary Kobach

Although most of the information you've requested is available to the public in Florida, we cannot fully comply with your entire request. Driver's license information and social security numbers are not, and cannot be provided under section 97.0585, Florida Statutes. We will also not release any information that is exempt or confidential under Florida law, including certain information regarding law enforcement officers, judges, prosecutors, and victims of stalking and domestic violence. Additionally, Florida's public record voter database does not capture information on felonies.

We are hopeful that the public information provided, in accordance with Florida law, will be useful to your efforts.

Sincerely,



Ken Detzner  
Florida Secretary of State

**From:** Matthews, Maria I.  
**Sent:** Friday, November 16, 2018 11:51 AM EST  
**To:** Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>  
**CC:** Randolph, Lenard J. <Lenard.Randolph@DOS.MyFlorida.com>; Swain, Margaret A. <Margaret.Swain@dos.myflorida.com>  
**Subject:** RE: Records requests - PILF  
**Attachment(s):** "Hybrid Request FL.PDF"

Yes. This is pretty broad. Margaret should ask acting general counsel whether outreach to requester to narrow scope and figure out what they are looking for.

---

**From:** Mosca, Alexander N.  
**Sent:** Friday, November 16, 2018 11:40 AM  
**To:** Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>  
**Cc:** Randolph, Lenard J. <Lenard.Randolph@DOS.MyFlorida.com>; Swain, Margaret A. <Margaret.Swain@dos.myflorida.com>  
**Subject:** FW: Records requests - PILF

Director Matthews,

Please see the public records request attached to this email.

The request asks for emails and other correspondence between DOS and the following organizations, for the time period of 1/1/2016 to 11/15/2018:

- Demos
- Campaign Legal Center
- Southern Coalition for Social Justice
- League of Women Voters
- Brennan Center for Justice
- Lawyers' Committee for Civil Rights Under Law
- League of United Latin American Citizens
- NAACP Legal Defense Fund
- Advancement Project
- Common Cause
- American Civil Liberties Union
- National Democratic Redistricting Committee
- Latino Victory Fund/Latino Victory Project
- UnidosUS née La Raza

I believe the most functional way of fulfilling this request is to have IT query the Outlook database, using the names of the organizations as search terms. Additionally, they could also search for emails sent to or from the following domains:

- @demos.org
- @campaignlegal.org
- @scsj.org
- @lww.org
- @nyu.edu
- @lawyerscommittee.org
- @lulac.org
- @naacpldf.org
- @advancementproject.org
- @commoncause.org
- @aclu.org
- @democraticredistricting.com
- @latinovictory.us
- @unidosus.org

After any records are located, they would need to be reviewed and any confidential/exempt information redacted prior to providing the records. I am unable to estimate how long this would take, as it would vary depending on the volume of records located, but regardless this will likely necessitate a special service charge, as IT's search for the records will on its own take more than 30 minutes of time.

---

**From:** DivElections  
**Sent:** Thursday, November 15, 2018 5:55 PM  
**To:** Mosca, Alexander N. <[Alexander.Mosca@DOS.MyFlorida.com](mailto:Alexander.Mosca@DOS.MyFlorida.com)>  
**Subject:** FW: Records requests - PILF

---

**From:** Logan Churchwell [<mailto:lchurchwell@PublicInterestLegal.org>]  
**Sent:** Thursday, November 15, 2018 4:47 PM  
**To:** DivElections <[DivElections@DOS.MyFlorida.com](mailto:DivElections@DOS.MyFlorida.com)>; General Counsel <[DOS.GeneralCounsel@DOS.MyFlorida.com](mailto:DOS.GeneralCounsel@DOS.MyFlorida.com)>  
**Subject:** Records requests - PILF

FL-SOS-19-0410-A000265

The attachments/links in this message have been scanned by Proofpoint.

To Whom It May Concern:

Please review the attached request and advise when responsive records will be available.

**Logan Churchwell**

Communications & Research Director

**Public Interest Legal Foundation**

[Ichurchwell@PublicInterestLegal.org](mailto:Ichurchwell@PublicInterestLegal.org)

432-935-3840

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# PUBLIC INTEREST

— LEGAL FOUNDATION —

11/15/2018

Via Electronic Mail

Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
Email: DivElections@dos.myflorida.com  
DOS.GeneralCounsel@DOS.MyFlorida.com

**RE: Request for records under NVRA and Florida Sunshine Law**

Dear Secretary Detzner:

I am writing to request inspection or copies of records under the National Voter Registration Act of 1993 (NVRA) and the Florida Sunshine Law.

**National Voter Registration Act**

The National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.*, requires your office to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i).

Pursuant to Section 20507(i) of NVRA, I request that your office reproduce or provide the opportunity to inspect the following:

1. All emails and other written correspondence (including attachments/enclosures) between the Florida Department of State’s office (and any of its subdivisions or departments) and any of the third parties listed below that relate to “programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i).

The requested records would include (but are not limited to) correspondence related to voter registration, the cancellation of registered voters, registrant and voter eligibility, correspondence with registered voters, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

The time period for this request is January 1, 2016 to the present.

**Florida Sunshine Law**

Pursuant to the Florida Sunshine Law, I request that your office provide copies of the following:

- 
2. All emails and other written correspondence (including attachments/enclosures) between the Florida Department of State's office (and any of its subdivisions or departments) and any of the third parties listed below that relate to any subject-matter not covered by Request #1.

The time period for this request is January 1, 2016 to the present.

### **Third-Party List**

The aforementioned requests concern communications between the Florida Department of State's office (and any of its subdivisions or departments) and any of these third-parties or individuals acting on their behalf:

1. Demos
2. Campaign Legal Center
3. Southern Coalition for Social Justice
4. League of Women Voters
5. Brennan Center for Justice
6. Lawyers' Committee for Civil Rights Under Law
7. League of United Latin American Citizens
8. NAACP Legal Defense Fund
9. Advancement Project
10. Common Cause
11. American Civil Liberties Union
12. National Democratic Redistricting Committee
13. Latino Victory Fund/Latino Victory Project
14. UnidosUS née La Raza

### **Excluded Records**

We do wish to limit some disclosed communication records. It is not necessary to reproduce by any means copies of email or print newsletters and any other mass communications received from the aforementioned parties. This limitation also applies to any news articles/clippings/digests potentially circulated within your office that mention the above parties by name—unless individuals within your office provide additional commentary about the clippings within the email in question.

### **Informational Interests**

The Public Interest Legal Foundation is a non-profit organization that specializes, in part, in voting and election related research. The Foundation regularly utilizes the NVRA's public inspection provision and state and federal open records laws that require government records be made available to the public. Using records and data compiled through these open records laws, the Foundation produces and disseminates reports, press releases, newspaper opinion articles, blog and social media posts, and newsletters in order to advance the public education aspect of its organizational mission. This request is made in furtherance of the Foundation's newsgathering and educational purposes.

Accordingly, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of matters touching on the right to vote and the government's responsiveness to inquiries regarding the same.

If there are any copying expenses, please let us know in advance at the email address listed below.

If you wish to dispense with a public inspection and provide copies of these records instead, please send them to following address:

32 E. Washington Street  
Suite 1675  
Indianapolis, IN 46204

Should you need to contact me regarding this request, please contact me via email at [lchurchwell@publicinterestlegal.org](mailto:lchurchwell@publicinterestlegal.org).

Thank you for your service on this matter.

Sincerely,



Logan Churchwell  
Communications & Research Director  
Public Interest Legal Foundation  
[lchurchwell@publicinterestlegal.org](mailto:lchurchwell@publicinterestlegal.org)



**From:** Revell, Sarah W. <Sarah.Revell@dos.myflorida.com>  
**Sent:** Monday, July 10, 2017 2:51 PM EDT  
**To:** Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>  
**Subject:** RE: Request to Hold on Submitting Any Data Until Judge Rules on TRO

Thank you.

---

**From:** Detzner, Kenneth W.  
**Sent:** Monday, July 10, 2017 2:50 PM  
**To:** Revell, Sarah W.  
**Subject:** Fwd: Request to Hold on Submitting Any Data Until Judge Rules on TRO

Sent from my iPhone

Begin forwarded message:

**From:** "Bishop, Shelby L." <[Shelby.Bishop@DOS.MyFlorida.com](mailto:Shelby.Bishop@DOS.MyFlorida.com)>  
**Date:** July 10, 2017 at 2:48:25 PM EDT  
**To:** "Fugett, David A." <[David.Fugett@dos.myflorida.com](mailto:David.Fugett@dos.myflorida.com)>, "Rey, Carlos A." <[Carlos.Rey@dos.myflorida.com](mailto:Carlos.Rey@dos.myflorida.com)>, "Underwood, Wes H." <[Wes.Underwood@dos.myflorida.com](mailto:Wes.Underwood@dos.myflorida.com)>, "Matthews, Maria I." <[Maria.Matthews@DOS.MyFlorida.com](mailto:Maria.Matthews@DOS.MyFlorida.com)>, "Kennedy, Jennifer L." <[Jennifer.Kennedy@DOS.MyFlorida.com](mailto:Jennifer.Kennedy@DOS.MyFlorida.com)>, "Detzner, Kenneth W." <[Kenneth.Detzner@dos.myflorida.com](mailto:Kenneth.Detzner@dos.myflorida.com)>  
**Cc:** "Black, Ashley M." <[Ashley.Black@dos.myflorida.com](mailto:Ashley.Black@dos.myflorida.com)>, "Madrigal, Virgie" <[Virgie.Madrigal@DOS.MyFlorida.com](mailto:Virgie.Madrigal@DOS.MyFlorida.com)>, "Martin, Cara C." <[Cara.Martin@dos.myflorida.com](mailto:Cara.Martin@dos.myflorida.com)>  
**Subject:** FW: Request to Hold on Submitting Any Data Until Judge Rules on TRO

---

**From:** Secretary of State  
**Sent:** Monday, July 10, 2017 2:14 PM  
**To:** Bishop, Shelby L.  
**Subject:** FW: Request to Hold on Submitting Any Data Until Judge Rules on TRO

---

**From:** FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]  
**Sent:** Monday, July 10, 2017 9:40 AM  
**Subject:** Request to Hold on Submitting Any Data Until Judge Rules on TRO

Dear Election Official,

As you may know, the Electronic Privacy Information Center filed a complaint seeking a Temporary Restraining Order ("TRO") in connection with the June 28, 2017 letter sent by Vice Chair Kris Kobach requesting publicly-available voter data. See *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity* filed in the U.S. District Court for the District of Columbia. Until the Judge rules on the TRO, we request that you hold on submitting any data. We will follow up with you with further instructions once the Judge issues her ruling.

Andrew Kossack  
Designated Federal Officer  
Presidential Advisory Commission on Election Integrity  
[ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov)

The Department of State is committed to excellence.  
Please take our [Customer Satisfaction Survey](#).

**From:** DeFonce, Daniel <Daniel.DeFonce@heritage.org>  
**Sent:** Wednesday, January 23, 2019 10:35 AM EST  
**To:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Subject:** RE: Secretary Ertel will attend

EMAIL RECEIVED FROM EXTERNAL SOURCE

Excellent! We look forward to having him with us on Friday, Feb. 1<sup>st</sup>.

Best,  
Daniel

---

**Daniel DeFonce**

*Research and Administrative Assistant*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

**From:** Bishop, Shelby L. <Shelby.Bishop@DOS.MyFlorida.com>  
**Sent:** Wednesday, January 23, 2019 10:21 AM  
**To:** DeFonce, Daniel <Daniel.DeFonce@heritage.org>  
**Subject:** Secretary Ertel will attend

**From:** Logan Churchwell <lchurchwell@PublicInterestLegal.org>  
**Sent:** Friday, March 22, 2019 1:03 PM EDT  
**To:** Election@VotePinellas.com <Election@VotePinellas.com>  
**CC:** Secretary of State <SecretaryofState@DOS.MyFlorida.com>; DivElections <DivElections@DOS.MyFlorida.com>  
**Subject:** Referral: Evidence of potential double voting  
**Attachment(s):** "2019.3.22 Letter to Pinellas County Supervisor of Elections.pdf"

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Supervisor Clark:

Please review the attached letter and advise any findings or actions taken in response. Thank you for your service.

**Logan Churchwell**  
Communications & Research Director  
[Public Interest Legal Foundation](http://PublicInterestLegalFoundation.org)  
lchurchwell@PublicInterestLegal.org  
432-935-3840  
**FL VUID: 116639981**

# PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA USPS and EMAIL

March 22, 2019

ATTN: Deborah Clark  
Supervisor of Elections, Pinellas County  
Election Service Center  
Starkey Lakes Corporate Center  
13001 Starkey Road  
Largo, FL 33773

**RE: Evidence of potential double voting**

Dear Ms. Clark:

We write today offering information regarding an individual who may have voted in Pinellas County and in another county in the same federal election. The Public Interest Legal Foundation is a nonprofit law firm dedicated to election integrity that also promotes common-sense reforms that preserve the Constitutional framework of American elections.

The nonprofit organization Project Veritas released a video on March 20, 2019, detailing its investigation of an individual who may be registered in both your county and Erie County, New York. The video shows that organization's efforts to verify publicly available information, including voter history. The video also includes conversations with a man purporting to be the individual himself. The man in the video appears to state that he voted both in *your county's* 2018 federal general election and in *Erie County, New York's* 2018 federal general election. Project Veritas, "NY Republican Votes Twice in 2018 Elections, Casts Mail Ballot in Florida", <https://www.projectveritas.com/2019/03/20/ny-republican-votes-twice-in-2018-elections-casts-mail-ballot-in-florida/>.

Under federal law,


- (1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.
- (2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

52 U.S.C.S. § 10307.

Under Florida law, “A person may become a registered voter only if that person:...3. Is a legal resident of the State of Florida....” Fla. Stat. Ann. § 97.041(a). “A person who willfully submits any false voter registration information commits a felony of the third degree....” Fla. Stat. Ann. § 104.011. Further, “[t]he supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Florida Elections Commission.” Fla. Stat. Ann. § 104.42.

Thank you very much for your attention to these matters. Could someone please contact us regarding what steps were taken in regards to this referral? The Public Interest Legal Foundation looks forward to providing your offices with any additional help and information it can.

Sincerely,



Logan Churchwell  
Research Director  
Public Interest Legal Foundation

Cc:

Laurel M. Lee, Florida Secretary of State

**From:** Bishop, Shelby L.  
**Sent:** Wednesday, January 23, 2019 10:21 AM EST  
**To:** daniel.defonce@heritage.org <daniel.defonce@heritage.org>  
**Subject:** Secretary Ertel will attend

**From:** Susan Carleson <susan.carleson@theacru.org>

**Sent:** Thursday, April 06, 2017 4:11 PM EDT

**To:** Susan Carleson <susan.carleson@theacru.org>

**Subject:** Voter Integrity Institute Legislative Activity Report for April 6, 2017

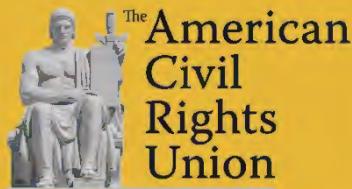
**Attachment(s):** "VII Legislative Report -rk 4-6-17.docx"

Latest activity in the states:

The Iowa Senate passed a voter ID bill on a party-line vote. Voter ID bills also advanced in North Dakota and Texas. Read about these and other legislation in this edition of the Voter Integrity Institute's Legislative Activity Bulletin.

Thank you,  
Susan





<AUTODATE>

## Legislative Activity

### VOTER ID

**IOWA:** The Iowa Senate passed a voter ID bill on March 26 on a party-line vote. Iowa voters would need to provide government-issued identification at the polls. House File 516 was initiated by Secretary of State Paul Pate. The bill returns to the House because it was amended by the Senate.

<http://kwit.org/post/voter-id-bill>

To follow the status of the bill:

<https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF516>

More explanation and analysis:

<https://www.legis.iowa.gov/docs/publications/FN/855805.pdf>

**NORTH DAKOTA:** A voter ID bill eliminating an affidavit option passed the Senate. Introduced by House Majority Leader Al Carlson, R-Fargo, the bill requires voters to provide an identification issued by the state Department of Transportation or tribal government. It also includes options for those living in "special circumstances." If the information on the ID isn't current, it could be supplemented with a current utility bill, bank statement or paycheck. The bill does away with the affidavit option available during November's election and instead allows voters who don't have proper ID to cast a ballot that's then set aside until the voter's eligibility is confirmed. House Bill 1369 passed the Senate in a 37-10 vote Monday. The Senate amended the bill slightly so the House would need to agree to the changes before it's sent to Gov. Doug Burgum.

<http://www.inforum.com/news/government/4244931-voter-id-bill-eliminating-affidavit-option-passes-nd-senate#.WOQZaDgD2Ws.twitter>

To follow the status of the bill:

<http://www.legis.nd.gov/assembly/65-2017/bill-actions/ba1369.html>

**TEXAS:** A Senate panel cleared legislation on March 13 that would overhaul the state's voter identification rules, an effort to comply with court rulings that the current law discriminates against black and Latino voters. The Senate State Affairs Committee voted 7-0 to send the legislation to the full chamber. Filed by Committee Chairwoman Joan Huffman, Senate Bill 5 would add options for Texas voters who say they cannot "reasonably" obtain one of seven forms of ID currently required at the polls. It would also create harsh criminal penalties for those who falsely claim they need to choose from the expanded list of options. Huffman's bill would allow voters older than 70 to cast ballots using expired but otherwise acceptable photo IDs. The bill would also require the Texas secretary of state to create a mobile program for issuing election identification certificates. <https://www.texastribune.org/2017/03/13/senate-committee-approves-texas-voter-id-overhaul/>

To follow the status of the bill:

<http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=85R&Bill=SB5>

## **VOTER RESIDENCY**

**NEW HAMPSHIRE:** SB3 passed through the state Senate on March 30 along party lines, with all 14 Republicans supporting the measure and the nine Democrats in the Senate opposed. It now heads to the House, where House Majority Leader Dick Hinch said, “I think it will come up very quickly.” The measure mandates that anyone who registers to vote either prior to or on Election Day itself, thanks to the state's same-day registration law, presents definitive proof that they reside in the Granite State. People who fail to provide such identification could still vote, but would be required to read and sign a form, and then provide proof of residency to city and town clerks within 10 days of voting, or 30 days for towns where offices are only open once a week. That’s a quicker time period requirement than current election law dictates. If those documents aren’t provided by the deadline, provisions in the bill allow town clerks or other local officials to pay a home visit to obtain a voter’s proof of residency. Another provision that would have allowed police to knock on new voters’ doors to verify their addresses elicited a lot of pushback and was removed from the bill during the committee process. With Republican Gov. Chris Sununu supportive of the bill, the spotlight now shifts to the House, where Hinch feels passage is a sure thing.

[http://www.nh1.com/news/nh1-newsmakers-a-top-state-house-republican-predicts-bill-to-tighten-nh-voter-laws-will-pass-chamber/#.WN\\_RcZG1zNc.twitter](http://www.nh1.com/news/nh1-newsmakers-a-top-state-house-republican-predicts-bill-to-tighten-nh-voter-laws-will-pass-chamber/#.WN_RcZG1zNc.twitter)

Another article: <https://patch.com/new-hampshire/concord-nh/state-senate-approves-anti-vote-fraud-nh-residency-bill>

To follow the status of the bill:

[http://gencourt.state.nh.us/bill\\_status/bill\\_status.aspx?lsr=883&sy=2017&sortoption=&txtsessionyear=2017&txtbillnumber=SB3](http://gencourt.state.nh.us/bill_status/bill_status.aspx?lsr=883&sy=2017&sortoption=&txtsessionyear=2017&txtbillnumber=SB3)

## **MAIL VOTING**

**MONTANA:** Senate Bill 305, which would require an all-mail-in ballot, has stalled in the legislature. A vote was held on March 30 for the bill, which would have allowed counties to choose whether to use all-mail ballots for the special election to fill the congressional seat once held by Ryan Zinke, who is now U.S. Secretary of the Interior. The vote came down to 11-8, meaning Senate Bill 305 is no more, unless a superior majority of House votes or House panel members change their votes.

<http://www.kulr8.com/story/35037498/senate-bill-305-would-have-saved-money-for-taxpayers#.WN717Bbhc7Y.twitter>

## **LIST MAINTENANCE**

**VIRGINIA:** Governor Terry McAuliffe vetoed multiple voter integrity measures:

SB 1455: Provides that any person who gives, offers, or promises any monetary payment to another in exchange for that person registering to vote is guilty of a Class 1 misdemeanor.

<https://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+SB1455>

SB 1581: Requires the general registrars to verify annually that the name, date of birth, and Social Security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this section and to promulgate rules for the use of such database.

<https://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+SB1581>

HB 2343: Requires the Department of Elections to provide to the general registrars a list of registered voters who have been found through list comparisons and data-matching exchanges with other states to be registered in another state.

<https://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB2343>

HB 1428: Requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law.

<https://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB1428>

SB 1253: Requires electronic poll books to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record

<https://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+SB1253>

## OTHER BILLS TO WATCH

**FLORIDA:** SB 1070 and SB 1072, allowing interstate data-sharing, sponsored by Republican Sen. Travis Hutson, passed out of committee; similar legislation, HB 707, sponsored by Republican Rep. Ross Spano.

To monitor the bill: <https://www.flsenate.gov/Session/Bill/2017/01070>  
and <https://www.flsenate.gov/Session/Bill/2017/01072>

**LOUISIANA:** HB 565, sponsored by Rep. Jay Morris (R), removes the ability of a person to vote by completing an affidavit in lieu of providing a picture identification card that contains the name and signature of the voter. Status: Referred to the Committee on House and Governmental Affairs. - 03/31/2017

To monitor the bill: <http://www.legis.la.gov/legis/BillInfo.aspx?i=232112>

**TEXAS:** HB 4000, sponsored by Rep. Ron Simmons (R) relating to the verification of citizenship of an applicant for voter registration. Status: Referred to Elections - 04/03/2017

<http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/HB04000I.pdf#navpanes=0>

Bill language: <http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/HB04000I.pdf#navpanes=0>

HB 3422, sponsored by Rep. Jodie Laubenberg (R), relating to participation by the State of Texas in the interstate voter registration crosscheck program.

HB 3667, sponsored by Rep. Valoree Swanson (R), relating to maintenance of the statewide voter registration list.

To monitor the bills: <http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/HB03422I.pdf#navpanes=0> and <http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/HB03667I.pdf#navpanes=0>

**From:** Susan Carleson <susan.carleson@theacru.org>  
**Sent:** Monday, April 10, 2017 11:01 AM EDT  
**To:** Susan Carleson <susan.carleson@theacru.org>  
**Subject:** Voting Integrity Institute Election Integrity Bulletin April 10, 2017  
**Attachment(s):** "ACRU Election Integrity Bulletin April 10 2017.pdf"

Below are headlines from the latest edition, the full version of which is attached.

## FEDERAL

### Dems Announce Massive Ad Campaign to Fight Voter Laws

A Democratic voter rights group, Let America Vote, has announced a three-state offensive.

### State and Local Officials Wary Of Federal Government's Election Security Efforts

The federal government's focus has state and local election officials, who are very protective of how they do things now, extremely nervous. They're mainly concerned that the federal government will tell them how to run their elections — even down to where polling sites should be located — in the name of security.

### Questions Continue to Swirl around DHS involvement with Election Security

At an April 4 Election Assistance Commission public hearing, a senior Department of Homeland Security official sought to stress one thing: The designation of election systems as critical infrastructure doesn't cut into states' autonomy.

### DHS Looks to Reboot Relationship with Election Officials

The Homeland Security Department plans to meet with a task force of state election officials in the next few months in an effort to iron out disagreements over DHS' designation of election systems as critical infrastructure, a department official said.

### Video of Election Assistance Commission Hearing on DHS Designation of Elections as Critical Infrastructure

## STATES

### Texas Voter ID Case Delayed Until After Legislative Session

A federal judge mulling whether Texas passed its voter ID law with the intent to discriminate has agreed to delay the case until after the state's legislative session ends.

### Ballot Selfies Allowed as U.S. Supreme Court Rebuffs New Hampshire

Voters in New Hampshire are free to take selfies with their election ballots and post the photos online after the U.S. Supreme Court refused to revive a state ban on the practice.

### North Carolina Elections Temp Worker Charged with Fraud over Registrations

A former temporary elections worker has been charged with fraud after allegations that she tried to change North Carolina voter registrations of about 250 convicted felons so they could cast ballots in last year's election.

## REDISTRICTING

### Maryland to Pennsylvania (and four other states): We'll Redistrict When You Do

After voting down Republican Governor Larry Hogan's proposal to redraw congressional districts, Maryland Democrats have offered a plan of their own: a six-state regional pact.

### Virginia Judge Upholds Lines of 11 Assembly Districts

A judge has upheld 11 Virginia House and Senate districts that challengers argued violated the state's constitution.

## VOTER ID

### Iowa Paper: Election Bill Will Strengthen Voting System

"As an additional layer of protection for the integrity of elections in this state, we long have supported a requirement that voters show some form of identification before casting a ballot."

Virus-free. [www.avast.com](http://www.avast.com)



April 10, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### Dems Announce Massive Ad Campaign to Fight Voter Laws

A Democratic voter rights group, Let America Vote, has announced a three-state offensive. The group said in a string of fundraising emails that it planned to launch its first ad campaign but could only afford to target one, and used a poll to determine which state users wanted to target first.

<http://dailycaller.com/2017/04/02/dems-announce-massive-ad-campaign-to-fight-voter-laws/>

### State and Local Officials Wary Of Federal Government's Election Security Efforts

The federal government's focus has state and local election officials, who are very protective of how they do things now, extremely nervous. They're mainly concerned that the federal government will tell them how to run their elections — even down to where polling sites should be located — in the name of security. Denise Merrill, Connecticut's secretary of state and president of the National Association of Secretaries of State, said this could jeopardize the best protection the nation already has against outside manipulation of elections. "Because our system is highly decentralized there's no way to disrupt the voting process in any large-scale meaningful way through cyber-attacks because there's no national system to attack," she said last Tuesday at a hearing before the U.S. Election Assistance Commission on the impact of the critical infrastructure designation.

Merrill noted that while two states — Arizona and Illinois — had their voter registration systems infiltrated last year by Russian hackers, no records were deleted or changed. And she said no actual votes were affected, despite signs that Russia had scanned election systems in at least 20 states. "The voting process itself was not hacked, manipulated or rigged in any way," said Merrill.

<http://wknofm.org/post/state-and-local-officials-wary-federal-governments-election-security-efforts>

### Questions Continue to Swirl around DHS involvement with Election Security

At an April 4 Election Assistance Commission public hearing, a senior Department of Homeland Security official sought to stress one thing: The designation of election systems as critical infrastructure doesn't cut into states' autonomy. Concerns over DHS control have simmered since then-Secretary Jeh Johnson first suggested the critical infrastructure designation last summer. Yet, Neil Jenkins, DHS' director of the Enterprise Performance Management Office, said at the EAC hearing that his agency sees the National Association of Secretaries of State (NASS) Election Cybersecurity Task Force as the main point of contact for deciding when DHS system-scanning tools are needed. Jenkins also said he sees the EAC as a critical point of contact for local officials who may be interested in utilizing DHS scanning and security products.

<https://gcn.com/articles/2017/04/04/election-systems-security.aspx>



## DHS Looks to Reboot Relationship with Election Officials

The Homeland Security Department plans to meet with a task force of state election officials in the next few months in an effort to iron out disagreements over DHS' designation of election systems as critical infrastructure, a department official said. That designation, made weeks after the 2016 presidential election was roiled by Russian-government backed data breaches, sparked an angry backlash from state election leaders who considered it a federal power grab. The National Association of Secretaries of State passed a resolution condemning the move in February. The association also, however, formed a task force of 27 secretaries of state—the state official responsible for managing state and local elections—focused on election cybersecurity and sharing information about cyber threats.

<http://www.defenseone.com/technology/2017/03/dhs-looks-reboot-relationship-election-officials/136593/>

## Election Assistance Commission Hearing on DHS Designation of Elections as Critical Infrastructure

Video of hearing:

<https://www.youtube.com/watch?v=cZbDX2fZqMo>

### STATES

## Ballot Selfies Allowed as U.S. Supreme Court Rebuffs New Hampshire

Voters in New Hampshire are free to take selfies with their election ballots and post the photos online after the U.S. Supreme Court refused to revive a state ban on the practice. The justices, without comment, left intact a federal appeals court ruling that struck down the ban on free-speech grounds in September. The 2014 law subjected violators to fines of up to \$1,000. New Hampshire officials argued that the measure was a legitimate effort to prevent vote-buying in the digital

age. The appeals court rejected that contention, saying the law was far broader than necessary to address that concern.

<https://www.bloomberg.com/politics/articles/2017-04-03/ballot-selfies-allowed-as-u-s-high-court-rebuffs-new-hampshire>

## North Carolina Elections Temp Worker Charged with Fraud over Registrations

A former temporary elections worker has been charged with fraud after allegations that she tried to change North Carolina voter registrations of about 250 convicted felons so they could cast ballots in last year's election. Documents show 41-year-old Joy Yvette Wilkerson of Henderson was charged with three counts — two of them felonies. Wilkerson was released on bond and faces an April 17 court appearance.

<http://www.newsobserver.com/news/state/north-carolina/article142968414.html>

### REDISTRICTING

## Maryland to Pennsylvania (and four other states): We'll Redistrict When You Do

After voting down Republican Governor Larry Hogan's proposal to redraw congressional districts, Maryland Democrats have offered a plan of their own: a six-state regional pact. If Pennsylvania, New York, New Jersey, Virginia and North Carolina agree to create independent commissions to redraw congressional districts more fairly by 2020, Maryland will too. The idea is that these six state would even each other out — some would go redder while others would go more blue.

<http://www.newsworks.org/index.php/local/item/102723-maryland-to-pennsylvania-and-four-other-states-well-redistrict-when-you-do?l=mt>



## Virginia Judge Upholds Lines of 11 Assembly Districts

A judge has upheld 11 Virginia House and Senate districts that challengers argued violated the state's constitution. Richmond Circuit Court Judge W. Reilly Marchant ruled against redistricting advocacy group OneVirginia2021 on March 31. The group had argued that lawmakers during the 2011 redistricting process violated the requirement that election districts must be compact. It claimed the lines were drawn to protect incumbents and help political parties. Marchant said the constitutional validity of the map is "fairly debatable." In that case, he said lawmakers' action must be upheld.

<http://valawyersweekly.com/2017/03/31/judge-upholds-11-assembly-districts/>

state, but 34 states have passed laws requiring voters to produce a form of identification at the polls, according to the National Conference of State Legislatures."

[http://siouxcityjournal.com/news/opinion/editorial/our-opinion-election-bill-will-strengthen-system-of-voting-in/article\\_d8429259-cf37-5b5e-a38b-0120a2260a27.html](http://siouxcityjournal.com/news/opinion/editorial/our-opinion-election-bill-will-strengthen-system-of-voting-in/article_d8429259-cf37-5b5e-a38b-0120a2260a27.html)

## VOTER ID

### Texas Voter ID Case Delayed Until After Legislative Session

A federal judge mulling whether Texas passed its voter ID law with the intent to discriminate has agreed to delay the case until after the state's legislative session ends.

<https://lasvegassun.com/news/2017/apr/03/texas-voter-id-case-delayed-until-after-legislativ/#.WOQZ4MdMzrM.twitter>

### Iowa Paper: Election Bill Will Strengthen Voting System

"As an additional layer of protection for the integrity of elections in this state, we long have supported a requirement that voters show some form of identification before casting a ballot. We are not alone on this within or outside Iowa," says an editorial in the Sioux City Journal.

"A February Des Moines Register/Mediacom Iowa Poll showed 69 percent of Iowans support such a requirement. Voter ID requirements vary from state to